

### **335-3-1-.02 Definitions.**

(1) Meaning of Terms. As used in these rules and regulations, terms shall have the meanings ascribed in this rule.

(a) "Act" shall mean the Alabama Air Pollution Control Act of 1971, Act No. 769, Regular Session, 1971.

(b) "Adjudication" shall mean decisions, orders, decrees, determinations, or rulings by the Commission or its authorized Hearing officers and is specifically limited to decisions in regard to citations, Sections 17(e) and (f) of the Act, and variances, Section 12 of the Act.

(c) "Adjudication Hearing" shall mean a hearing held before the Commission or its authorized Hearing Officer, pursuant to the issuance of a citation(s), Section 17(e) and (f) of the Act, and variances, Section 12 of the Act, for the purpose of establishing a record and a set of recommendations to provide the basis for an adjudication by the Commission of a contested case.

(d) "Air Contaminant" shall mean any solid, liquid, or gaseous matter, any odor, or any combination thereof, from whatever source.

(e) "Air Pollution" shall mean the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as are, or tend to be, injurious to human health or welfare, animal or plant life, or property, or would interfere with the enjoyment of life or property throughout the State and in such territories of the State as shall be affected thereby.

(f) "Air Pollution Emergency" shall mean a situation in which meteorological conditions and/or contaminant levels in the ambient air reach or exceed the levels which may cause imminent and substantial endangerment to health.

(g) "Air Quality Control Region" shall mean jurisdictional areas designated in 40 CFR 81.

(h) "Capture System" shall mean the equipment (including hoods, ducts, fans, etc.) used to contain, capture, or transport a pollutant to a control device.

(i) "Chairman" shall mean the Chairman or, in his absence, the Vice Chairman of the Commission.

(j) "Citation" shall mean a notice sent by the Commission or its authorized agent (to suspected violators of the Act) pursuant to Section 17(e).

(k) "Coating" shall mean a protective, decorative, or functional film applied in a thin layer to a surface substrate.

(l) "Coating Applicator" shall mean an apparatus used to apply a surface coating.

(m) "Coating Line" shall mean one or more apparatus or operations which may include any number or combination of coating applicators, flash-off areas, and ovens wherein a surface coating is applied, dried, and/or cured.

(n) "Commenced" shall mean that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a binding agreement or contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(o) "Commission" shall mean the "Environmental Management Commission".

(p) "Construction" shall mean fabrication, erection, or installation of an affected facility.

(q) "Continuous Vapor Control System" shall mean a vapor control system that treats vapors displaced from tanks during filling on a demand basis without intermediate accumulation.

(r) "Control Device" shall mean any device which has the function of controlling the emissions from a process, fuel-burning, or refuse-burning device and thus reduces the creation of or the emission of air contaminants into the atmosphere, or both.

(s) "Control Regulation" shall mean a legally enforceable emission control strategy.

(t) "Control Strategy" shall mean a collection of various emission standards selected for the different categories of sources.

(u) "County Classification" shall mean the designation Class 1 County or Class 2 County. All facilities, plants, or other installations shall be subject to the restrictions on air pollution emissions specific to the county classification of the county in which they are located.

1. A "Class 2 County" shall mean a county in which:

(i) More than 50 percent of the county population resides in a non-urban place, as defined by the U.S. Department of Commerce Census Bureau for 1970.

(ii) No secondary National Ambient Air Quality Standards are being exceeded, based on 1971 air quality measurements.

2. A "Class 1 County" shall mean a county in which the conditions of either subparagraph 1.(i) or 1.(ii) above or both are not met.

(v) "Day" shall mean a twenty-four (24) hour period beginning at midnight.

(w) "Department" shall mean the Alabama Department of Environmental Management.

(x) "Director" shall mean the Director of the Department of Environmental Management.

(y) "Effluent Water Separator" shall mean any tank, box, sump, or other container in which any volatile organic compound floating on or entrained or contained in water entering such tank, box, sump, or other container is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

(z) "Emission" shall mean a release into the outdoor atmosphere of air contaminants.

(aa) "Employee" shall mean any employee of the Commission or Division.

(bb) "Existing Source" shall mean any source in operation or on which construction has commenced on the date of initial adoption of an applicable rule or regulation; except that any existing source which has undergone modification after the date of initial adoption of an applicable rule or regulation, shall be reclassified and considered a new source.

(cc) "Federal Act" shall mean the Clean Air Act (42 U.S.C. 1857 et seq.) as last amended, and as may hereafter be amended.

(dd) "Flash-Off Area" shall mean the space between the application area and the oven.

(ee) "Fuel-Burning Equipment" shall mean any equipment, device, or contrivance and all appurtenances thereto, including ducts, breechings, fuel-feeding equipment, ash removal equipment, combustion controls, stacks, and chimney, used primarily, but not exclusively, to burn any fuel for the purpose of indirect heating in which the material being heated is not contacted by and adds no substance to the products of combustion.

(ff) "Fugitive Dust" shall mean solid air-borne particulate matter emitted from any source other than a flue or stack.

(gg) "Gasoline" shall mean a petroleum distillate having a Reid vapor pressure of 27.6 kPa (4 psia) or greater and used as a fuel for internal combustion engines.

(hh) "Heat Available" shall mean the aggregate heat content of all fuels whose products of combustion pass through a stack or stacks.

(ii) "Hydrocarbons" shall mean any organic compound of carbon and hydrogen only.

(jj) "Incinerator" shall mean any equipment, device, or contrivance and all appurtenances thereof used for the destruction (by burning) of solid, semi-solid, liquid, or gaseous combustible wastes.

(kk) "Intermediate Vapor Control System" shall mean a vapor control system that employs an intermediate vapor holder to accumulate vapors displaced from tanks during filling. The control device treats the accumulated vapors only during automatically controlled cycles.

(ll) "Loading Rack" shall mean an aggregation or combination of gasoline loading equipment arranged so that all loading outlets in the combination can be connected to a tank truck or trailer parked in a specified loading space.

(mm) "Maximum Process Weight Per Hour" shall mean the equipment manufacturer's or designer's guaranteed maximum (whichever is greater) process weight per hour.

(nn) "Model Year" shall mean the annual production period of new motor vehicles designated by the calendar year in which such period ends, provided that if the manufacturer does not so designate vehicles manufactured by him, the model year with respect to such vehicle shall mean the twelve-month period beginning January 1 of the year specified herein.

(oo) "Modification" shall mean any physical change in, or change in the method of operation of, an affected source which increases the amount of any air contaminant (to which a rule or regulation applies) emitted by such source or which results in the emission of any air contaminant (to which a rule or regulation applies) not previously emitted, except that:

1. Routine maintenance, repair, and replacement shall not be considered physical changes, and

2. The following shall not be considered a change in the method of operation:

(i) An increase in the production rate;

(ii) An increase in hours of operation;

(iii) Use of an alternative fuel or raw material.

(pp) "Motor Vehicle" shall mean every self-propelled device in or upon or by which any person or property is, or may be, transported or drawn upon a public highway.

(qq) "New Source" shall mean any source built or installed on or after the date of initial adoption of an applicable rule or regulation, and any source existing at said stated time which later undergoes modification. Any source moved to another premise involving a change of location after the date of initial adoption of an applicable rule or regulation shall be considered a new source.

This definition of new source is not applicable to ADEM Admin. Code rules 335-3-10-.01(3) and 335-3-11-.01(3).

(rr) "Objector" shall mean any person who objects to the granting of a variance pursuant to Section 12(d) of the Act.

(ss) "Odor" shall mean smells or aromas which are unpleasant to persons or which tend to lessen human food and water intake, interfere with sleep, upset appetite, produce irritation of the upper respiratory tract, or cause symptoms or nausea, or which by their inherent chemical or physical nature or method or processing are, or may be, detrimental or dangerous to health. Odor and smell are used interchangeably herein.

(tt) "Opacity" shall mean the degree to which emissions reduce the transmission of light and obscure the view of the background.

(uu) "Open Burning" shall mean the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through an adequate stack, duct, or chimney.

(vv) "Operating Time" shall mean the number of hours per year that a source conducts operations.

(ww) "Organic Material" shall mean a chemical compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.

(xx) "Oven" shall mean a chamber within which heat is used to bake, cure, polymerize, and/or dry a surface coating.

(yy) "Owner or Operator" shall mean any person who owns, leases, operates, controls, or supervises an affected facility, article, machine, equipment, other contrivance, or source.

(zz) "Particulate Matter" shall mean finely divided material, except uncombined water, which is a liquid or solid at the conditions of the applicable test method.

(aaa) "Party" shall mean the petitioner(s) for variance under Section 12 of the Act, the person(s) objecting to the grant of a variance petition under Section 12 of the Act, the alleged violator in the case of a citation issued pursuant to Section 17(e) of the Act, and the State.

(bbb) "Petitioner" shall mean any person who petitions the Commission pursuant to Section 12 of the Act and in accordance with rule 335-3-1-.09 of the Rules and Regulations.

(ccc) "PM<sub>10</sub>" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method

based on 40 CFR 50, Appendix J, and designated in accordance with 40 CFR 53, or by an equivalent method designated in accordance with 40 CFR 53.

(ddd) "PM<sub>10</sub> Emission" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method, specified in 40 CFR.

(eee) "Prime Coat" shall mean the first film of coating applied in a multiple coat operation.

(fff) "Priority Classification" shall mean Air Quality Control Region Pollutant Priority Classifications set forth in 40 CFR 52.

(ggg) "Process" shall mean any action, operation, or treatment of materials, including handling and storage thereof, which may cause discharge of an air contaminant or contaminants into the atmosphere, but excluding fuel burning and refuse burning.

(hhh) "Process Weight" shall mean the total weight in pounds of all materials introduced into any specific process which may cause any discharge into the atmosphere.

(iii) "Process Weight Per Hour" shall mean the total weight of all materials introduced into any specific process that may cause any discharge of particulate matter. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for a typical period of time by that time period.

(jjj) "Refuse" shall mean matter consisting of garbage, rubbish, ashes, street debris, dead animals, abandoned vehicles, industrial wastes, demolition wastes, construction wastes, special wastes, or sewage treatment residue.

(kkk) "Reid Vapor Pressure" shall mean a vapor pressure specification for volatile organic crude oil and volatile nonviscous petroleum liquids except liquid petroleum gases as determined by American Society for Testing and Materials. The pressure approximates the absolute vapor pressure of the liquid.

(lll) "Shutdown" shall mean the cessation of operation of affected source or emission control equipment.

(mmm) "Six-Minute Average" shall be determined by calculating the arithmetic mean of twenty-four (24) consecutive opacity observations, taken at intervals of fifteen (15) seconds.

(nnn) "Smoke" shall mean gas-borne particles resulting from incomplete combustion consisting predominantly, but not exclusively, of carbon, ashes, or other combustible materials.

(ooo) "Soiling Index" shall mean a measure of the soiling properties of total suspended particulates in air determined by drawing a measured volume of air through a known area of Whatman No. 4 filter paper for a measured period of time, expressed as COHs/1,000 linear feet.

(ppp) "Solvent" shall mean organic materials which are liquid at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

(qqq) "Source" shall mean any building, structure, facility, installation, article, machine, equipment, device, or other contrivance which emits or may emit any air contaminant. Any activity which utilizes abrasives or chemicals for cleaning or any other purpose (such as cleaning the exterior of buildings) which emits air contaminants shall be considered a source.

(rrr) "Stack or Ducts" shall mean any flue, duct, or other contrivance arranged to conduct emissions to the open air.

(sss) "Standard Conditions" shall mean a temperature of 20°C (68°F) and pressure of 760 millimeters of mercury (29.92 inches of mercury).

(ttt) "Startup" shall mean the setting in operation of an affected source for any purpose.

(uuu) "State" shall mean the State of Alabama, the Environmental Management Commission, and the Commission's representatives.

(vvv) "Storage Tank Capacity" shall mean the tank manufacturer's design capacity. Storage tank and storage vessel shall be equivalent in meaning.

(www) "Submerged Fill Pipe" shall mean any fill pipe, the discharge opening of which is entirely submerged when the liquid level is six (6) inches above the bottom of the tank; or when applied to a tank which is loaded from the side, shall mean any fill pipe, of which the top of the discharge opening is not over 18 inches from the bottom of the tank.

(xxx) "Topcoat" shall mean the final film of coating applied in a multiple coat operation.

(yyy) "Total Reduced Sulfur (TRS)" shall mean hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present.

(zzz) "Total suspended particulate" means particulate matter as measured by the method described in 40 CFR 50, Appendix B.

(aaaa) "Transfer Efficiency (TE)" shall mean the efficiency of a surface coating application system to deposit coating solids on a substrate. The transfer efficiency of an application system is determined by dividing the volume of coating solids deposited on a substrate by the total volume of coating solids used.

(bbbb) "True Vapor Pressure" shall mean the equilibrium partial pressure exerted by a stored petroleum liquid at the temperature equal to the highest calendar-month average of the liquid storage temperature as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss from External Floating Roof Tanks," 1962, Second Edition, February 1980.

(cccc) "Uncombined Water" shall mean any water droplets or water vapor condensate that does not contain any other solid or liquid particulate matter attached to the water droplets.

(dddd) "Vapor Collection System" shall mean a vapor transport system which uses direct displacement by the liquid loaded to force vapors from the tank into a vapor control system.

(eeee) "Vapor Recovery System" shall mean a system that prevents release to the atmosphere of at least 90 percent by weight of organic compounds in the vapor displaced from a tank during the transfer of gasoline.

(ffff) "Violator" shall mean any person who is issued a citation by the Commission or its authorized agent pursuant to Section 17(e) and (f) of the Act.

(gggg) "Volatile Organic Compounds (VOC)" shall mean any compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any such organic compound **other than the following**:

1. Methane;
2. Ethane;
3. Methyl Chloroform (1,1,1 Trichloroethane);
4. Methylene Chloride (Dichloromethane);
5. CFC-11 (Trichlorofluoromethane);
6. CFC-12 (Dichlorodifluoromethane);
7. HCFC-22 (Chlorodifluoromethane);
8. HFC-23 (Trifluoromethane);
9. CFC-114 (1,2-dichloro-1,1,2,2-Tetrafluoroethane);
10. CFC-115 (Chloropentafluoroethane);
11. HCFC-123 (1,1,1-Trifluoro-2,2-dichloroethane);
12. HCFC-124 (2-Chloro-1,1,1,2-tetrafluoroethane);
13. HFC-125 (Pentafluoroethane);
14. HFC-134 (1,1,2,2-Tetrafluoroethane);



15. HFC-134a (1,1,1,2-Tetrafluoroethane);
16. HCFC-141b (1,1-Dichloro-1-fluoroethane);
17. HCFC-142b (1-Chloro-1,1-difluoroethane);
18. HFC-143a (1,1,1-Trifluoroethane);
19. HFC-152a (1,1-Difluoroethane);
20. CFC-113 (1,1,2-Trichloro-1,2,2-Trifluoroethane);
21. Parachlorobenzotrifluoride (PCBTF);
22. Cyclic, branched, or linear completely methylated siloxanes;
23. Acetone;
24. Perchloroethylene (tetrachloroethylene);
25. HCFC-225ca (3,3-dichloro-1,1,1,2,2-pentafluoropropane);
26. HCFC-225cb (1,3-dichloro-1,1,2,2,3-pentafluoropropane);
27. HFC 43-10mee (1,1,1,2,3,4,4,5,5,5-decafluoropentane);
28. HFC-32 (Difluoromethane);
29. HFC-161 (Ethylfluoride);
30. HFC-236fa (1,1,1,3,3,3-Hexafluoropropane);
31. HFC-245ca (1,1,2,2,3-Pentafluoropropane);
32. HFC-245ea (1,1,2,3,3-Pentafluoropropane);
33. HFC-245eb (1,1,1,2,3-Pentafluoropropane);
34. HFC-245fa (1,1,1,3,3-Pentafluoropropane);
35. HFC-236ea (1,1,1,2,3,3-Hexafluoropropane);
36. HFC-365mfc (1,1,1,3,3-Pentafluorobutane);
37. HCFC-31 (Chlorofluoromethane);
38. HCFC-123a (1,2-Dichloro-1,1,2-trifluoroethane);
39. HCFC-151a (1-Chloro-1-fluoroethane);
40. C<sub>4</sub>F<sub>9</sub>OCH<sub>3</sub> (1,1,1,2,2,3,3,4,4-Nonafluoro-4-methoxybutane);
41. (CF<sub>3</sub>)<sub>2</sub>CFCF<sub>2</sub>OCH<sub>3</sub> (2-(Difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane);
42. C<sub>4</sub>F<sub>9</sub>OC<sub>2</sub>H<sub>5</sub> (1-Ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane);
43. (CF<sub>3</sub>)<sub>2</sub>CFCF<sub>2</sub>OC<sub>2</sub>H<sub>5</sub> (2-(Ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane);
44. Methyl Acetate;
45. HFE-7000, n-C<sub>3</sub>F<sub>7</sub>OCH<sub>3</sub>, (1,1,1,2,2,3,3,-heptafluoro-3 methoxypropane);
46. HFE-7500 (3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane);
47. HFC-227ea (1,1,1,2,3,3,3-heptafluoropropane);
48. methyl formate (HCOOCH<sub>3</sub>);
49. HFE-7300 (1,1,1,2,2,3,4,5,5,5,-decafluoro-3-methoxy-4-trifluoromethyl-pentane);
50. propylene carbonate;
51. dimethyl carbonate;
52. trans-1,3,3,3-tetrafluoropropene;

53. HFE-134 ( $\text{HCF}_2\text{OCF}_2\text{H}$ );

54. HFE-236cal2 ( $\text{HCF}_2\text{OCF}_2\text{OCF}_2\text{H}$ );

55. HFE-338pcc13 ( $\text{HCF}_2\text{OCF}_2\text{CF}_2\text{OCF}_2\text{H}$ );

56. H-Galden 1040x or H-Galden ZT130 (or 150 or 180)  
( $\text{HCF}_2\text{OCF}_2\text{OCF}_2\text{CF}_2\text{OCF}_2\text{H}$ );

57. trans 1-chloro-3,3,3-trifluoroprop-1-ene (Solstice<sup>TM</sup> 1233zd(E));

58. HFO-1234yf (2,3,3,3-tetrafluoropropene;

~~57.-~~

59. 2-amino-2-methyl-1-propanol;

~~58.-~~60. Perfluorocarbon compounds which fall into these classes:

- (i) Cyclic, branched, or linear, completely fluorinated alkanes;
- (ii) Cyclic, branched, or linear, completely fluorinated ethers with no

Unsaturation;

- (iii) Cyclic, branched, or linear, completely fluorinated tertiary

Amines with no unsaturations; and

(iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(2) The heretofore mentioned excluded organic compounds have been determined to have negligible photochemical reactivity by the EPA Administrator. For purposes of determining compliance with emission limits under chapter 335-3-6, VOC shall be measured by the approved test methods contained in chapter 335-3-6. Where such a method also inadvertently measures the heretofore mentioned negligibly photochemical reactive organic compounds with the reactive organic compounds, an owner or operator may exclude these negligibly reactive compounds when determining compliance with an emission limit using EPA-approved test methods and procedures.

(3) The following compound(s) are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate.

**Author:** James W. Cooper and John E. Daniel.

**Statutory Authority:** Code of Alabama 1975, §§22-28-14, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: January 18, 1972.

**Amended:** Effective Date: September 24, 1974; November 27, 1978; April 3, 1979; June 5, 1979; July 26, 1979; June 16, 1988; September 21, 1989; November 1, 1990; October 24, 1991; November 23, 1995; January 5, 1996; November 21, 1996; September 25, 1997; March 27, 1998; November 19, 1998; September 7, 2000; December 12, 2005; January 22, 2008; March 20, 2010; May 28, 2013; September 24, 2013-; [XXXXXX, 2015.](#)

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
AIR DIVISION - AIR POLLUTION CONTROL PROGRAM**

**CHAPTER 335-3-5  
CONTROL OF SULFUR COMPOUND EMISSIONS**

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**335-3-5-.06 TR SO<sub>2</sub> Trading Program – Purpose and Definitions**~~Repealed February 20, 2015~~**Reserved. [NEW RULE]**

(1) Purpose. Rules 335-3-5-.06 through 335-3-5-.36 set forth the general, designated representative, allowance, and monitoring provisions for the Transport Rule (TR) SO<sub>2</sub> Group 2 Trading Program, under section 110 of the Clean Air Act, as a means of mitigating interstate transport of fine particulates and sulfur dioxide.

(2) Definitions. For the purpose of rules 335-3-5-.06 through 335-3-5-.36, the definitions listed in 40 CFR §97.702, Subpart DDDDD as of July 1, 2015, will apply.

(a) “Department” means the Alabama Department of Environmental Management.

(b) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-5-.06 substitute:

1. Adem Administrative Code r. 335-3-5-.07 for 40 CFR §97.704.

2. Adem Administrative Code r. 335-3-5-.07(1)(b)2.(ii) and (iii) for §§97.704(b)(2)(i)(B) and (ii).

3. Adem Administrative Code r. 335-3-5-.08 for 40 CFR §97.705.

4. Adem Administrative Code r. 335-3-5-.12(1) for 40 CFR §97.710(a).

5. Adem Administrative Code r. 335-3-5-.12(2) for 40 CFR §97.710(b).

6. Adem Administrative Code r. 335-3-5-.13 for 40 CFR §97.711.

7. Adem Administrative Code r. 335-3-5-.13 for 40 CFR §97.712.

(3) Measurements, Abbreviations, and Acronyms. Measurements, abbreviations, and acronyms used in this rule and in rules 335-3-5-.06 through 335-3-5-.36 are defined as follows:

(a) Btu - British thermal unit

(b) CO<sub>2</sub> – carbon dioxide

(c) H<sub>2</sub>O – water

(d) hr – hour

(e) kW – kilowatt electrical

(f) kWh – kilowatt hour

(g) lb – pound

(h) mmBtu – million Btu

(i) MWe – megawatt electrical

(j) MWh – megawatt hour

(k) NO<sub>x</sub> – nitrogen oxides

(l) O<sub>2</sub> – oxygen

(m) ppm – parts per million

(n) scfh – standard cubic feet per hour

(o) SO<sub>2</sub> – sulfur dioxide

(p) yr – year

(4) Appeal Procedures. The appeal procedures for decisions of the Administrator under the TR SO<sub>2</sub> Trading Program are set forth in 40 CFR 78.

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.



**335-3-5-.07 TR SO<sub>2</sub> Trading Program - Applicability**~~[Repealed February 20, 2015]~~ **Reserved. [NEW RULE]**

(1) Applicability.

(a) Except as provided in subparagraph (b) of this paragraph:

1. The following units in the State of Alabama shall be TR SO<sub>2</sub> Group 2 units, and any source that includes one or more such units shall be a TR SO<sub>2</sub> Group 2 source, subject to the requirements of rules 335-3-5-.06 through 335-3-5-.36: any stationary, fossil-fuel-fired boiler or stationary, fossil-fuel-fired combustion turbine serving at any time, on or after January 1, 2005, a generator with nameplate capacity of more than 25 MWe producing electricity for sale.

2. If a stationary boiler or stationary combustion turbine that, under subparagraph (a)1. of this paragraph, is not a TR SO<sub>2</sub> Group 2 unit begins to combust fossil fuel or to serve a generator with nameplate capacity of more than 25 MWe producing electricity for sale, the unit shall become a TR SO<sub>2</sub> Group 2 unit as provided in subparagraph (a)1. of this paragraph on the first date on which it both combusts fossil fuel and serves such generator.

(b) Any unit in the State that otherwise is a TR SO<sub>2</sub> Group 2 unit under subparagraph (a) of this paragraph and that meets the requirements set forth in subparagraphs (b)1.(i) and (ii) or 2.(i) and (ii) of this paragraph shall not be a TR SO<sub>2</sub> Group 2 unit:

1. Any unit:

(i) Qualifying as a cogeneration unit throughout the later of 2005 or the 12-month period starting on the date the unit first produces electricity and continuing to qualify as a cogeneration unit throughout each calendar year ending after the later of 2005 or such 12-month period; and

(ii) Not supplying in 2005 or any calendar year thereafter more than one-third of the unit's potential electric output capacity or 219,000 MWh, whichever is greater, to any utility power distribution system for sale.

(iii) If, after qualifying under subparagraphs (b)1.(i) and (ii) of this paragraph as not being a TR SO<sub>2</sub> Group 2 unit, a unit subsequently no longer meets all the requirements of subparagraphs (b)1.(i) and (ii) of this paragraph, the unit shall become a TR SO<sub>2</sub> Group 2 unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a cogeneration unit or January 1 after the first calendar year during which the unit no longer meets the requirements of subparagraph (b)1.(ii) of this paragraph. The unit shall thereafter continue to be a TR SO<sub>2</sub> Group 2 unit.

2. Any unit:

(i) Qualifying as a solid waste incineration unit throughout the later of 2005 or the 12-month period starting on the date the unit first produces electricity and continuing to qualify as a solid waste incineration unit throughout each calendar year ending after the later of 2005 or such 12-month period; and

(ii) With an average annual fuel consumption of fossil fuel for the first 3 consecutive calendar years of operation starting no earlier than 2005 of less than 20 percent (on a Btu basis) and an average annual fuel consumption of fossil fuel for any 3 consecutive calendar years thereafter of less than 20 percent (on a Btu basis).

(iii) If, after qualifying under subparagraphs (b)2.(i) and (ii) of this paragraph as not being a TR SO<sub>2</sub> Group 2 unit, a unit subsequently no longer meets all the requirements of subparagraphs (b)2.(i) and (ii) of this paragraph, the unit shall become a TR SO<sub>2</sub> Group 2 unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a solid waste incineration unit or January 1 after the first 3 consecutive calendar years after 2005 for which the unit has an average annual fuel consumption of fossil fuel of 20 percent or more. The unit shall thereafter continue to be a TR SO<sub>2</sub> Group 2 unit.

(c) A certifying official of an owner or operator of any unit or other equipment may submit a petition (including any supporting documents) to the Administrator at any time for a determination concerning the applicability, under subparagraphs (a) and (b) of this paragraph of the TR SO<sub>2</sub> Group 2 Trading Program to the unit or other equipment. The certifying official of an owner or operator of any unit or other equipment shall submit a copy of the petition (including any supporting documents) to the Department.

1. Petition content. The petition shall be in writing and include the identification of the unit or other equipment and the relevant facts about the unit or other equipment. The petition and any other documents provided to the Administrator in connection with the petition shall include the following certification statement, signed by the certifying official: "I am authorized to make this submission on behalf of the owners and operators of the unit or other equipment for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

2. Response. The Administrator will issue a written response to the petition and may request supplemental information determined by the Administrator to be relevant to such petition. The Administrator's determination concerning the applicability, under paragraphs (a) and (b) of this paragraph, of

the TR SO<sub>2</sub> Group 2 Trading Program to the unit or other equipment shall be binding on Alabama, the Department, and any other State or permitting authority, unless the Administrator determines that the petition contained significant, relevant errors or omissions.

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-5-.08 TR SO<sub>2</sub> Trading Program – Retired Unit Exemption~~[Repealed February 20, 2015]~~ Reserved. [NEW RULE]**

(1) Any TR SO<sub>2</sub> Group 2 unit that is permanently retired shall be exempt from 40 CFR §§97.706(b) and (c)(1), rule 335-3-5-.25, and rules 335-3-5-.31 through 335-3-5-.36.

(a) The exemption under paragraph (1) of this rule shall become effective the day on which the TR SO<sub>2</sub> Group 2 unit is permanently retired. Within 30 days of the unit's permanent retirement, the designated representative shall submit a statement to the Administrator. The statement shall state, in a format prescribed by the Administrator, that the unit was permanently retired on a specified date and will comply with the requirements of paragraph (2) of this rule. The designated representative shall submit a copy of the statement to the Department.

(2) Special provisions.

(a) A unit exempt under paragraph (1) of this rule shall not emit any SO<sub>2</sub>, starting on the date that the exemption takes effect.

(b) For a period of 5 years from the date the records are created, the owners and operators of a unit exempt under paragraph (1) of this rule shall retain, at the source that includes the unit, records demonstrating that the unit is permanently retired. The 5-year period for keeping records may be extended for cause, at any time before the end of the period, in writing by the Administrator. The owners and operators bear the burden of proof that the unit is permanently retired.

(c) The owners and operators and, to the extent applicable, the designated representative of a unit exempt under paragraph (1) of this rule shall comply with the requirements of the TR SO<sub>2</sub> Group 2 Trading Program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.

(d) A unit exempt under paragraph (1) of this rule shall lose its exemption on the first date on which the unit resumes operation. Such unit shall be treated, for purposes of applying allocation, monitoring, reporting, and recordkeeping requirements under TR SO<sub>2</sub> Group 2 Trading Program, as a unit that commences commercial operation on the first date on which the unit resumes operation.

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-5-.09 TR SO<sub>2</sub> Trading Program – Standard Requirements**~~Reserved.~~  
**[NEW RULE]**

(1) General. The Environmental Protection Agency's Standard Requirements for TR SO<sub>2</sub> Sources, are incorporated by reference as they exist in 40 CFR §97.706, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

(2) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-5-.09 substitute:

(a) Adem Administrative Code r. 335-3-16-.13(3) for 40 CFR §70.7(e)(2).

(b) Adem Administrative Code r. 335-3-16-.13(3)(a)2. for 40 CFR §70.7(e)(2)(i)(B).

(c) Adem Administrative Code r. 335-3-5-.13 for 40 CFR §§97.711(a)(2) and (b).

(d) Adem Administrative Code r. 335-3-5-.13 for 40 CFR §97.712.

(e) Adem Administrative Code r. 335-3-5-.08 for 40 CFR §97.705.

(f) Adem Administrative Code r. 335-3-5-.12(1) for 40 CFR §97.710(a).

(g) Adem Administrative Code r. 335-3-5-.12(2) for 40 CFR §97.710(b).

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-5-.10 TR SO<sub>2</sub> Trading Program – Computation of Time~~Reserved~~.**  
**[NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing the Computation of Time under the TR SO<sub>2</sub> Sources, are incorporated by reference as they exist in 40 CFR §97.707, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-5-.11** ~~**[Repealed February 20, 2015]**~~ ~~**Reserved**~~**Administrative Appeal Procedures. [NEW RULE]**

- (1) The appeal procedures for decisions of the Administrator under rules 335-3-5-.06 through 335-3-5-.36 are set forth in 40 CFR 78.

**335-3-5-.12 SO<sub>2</sub> Trading Budgets and Variability Limits**~~**Repealed February 20, 2015**~~ **Reserved. [NEW RULE]**

(1) The State SO<sub>2</sub> trading budgets for allocations of TR SO<sub>2</sub> Group 2 allowances for the control periods in 2017 and thereafter is 213,258 tons.

(2) The State SO<sub>2</sub> variability limit for the State SO<sub>2</sub> Group 2 trading budgets for the control periods in 2017 and thereafter is 38,386 tons.

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.



**335-3-5-.13 ~~[Repealed February 20, 2015] Reserved.~~ TR SO<sub>2</sub> Allowance Allocations. [NEW RULE]**

(1) State SO<sub>2</sub> Group 2 Trading Program Budget. The State trading budget for annual allocations of Transport Rule (TR) SO<sub>2</sub> Group 2 allowances for the control periods 2017 and thereafter is 213,258 tons.

(2) Timing Requirements for SO<sub>2</sub> Group 2 Season Allowance Allocations.

(a) By June 1, 2016, the Department will submit to the Administrator, in a format prescribed by the Administrator, the SO<sub>2</sub> Group 2 allowance allocations, in accordance with paragraph (3) of this rule, for the control periods in 2017 and 2018.

(b) By June 1, 2017, the Department will submit to the Administrator, in a format prescribed by the Administrator, the SO<sub>2</sub> Group 2 allowance allocations, in accordance with paragraph (3) of this rule, for the control periods in 2019 and 2020.

(c) By June 1, 2018, the Department will submit to the Administrator, in a format prescribed by the Administrator, the SO<sub>2</sub> Group 2 allowance allocations, in accordance with paragraph (3) of this rule, for the control periods in 2021 and 2022.

(d) By June 1, 2019, and every other year thereafter, the Department shall submit to the Administrator, in a format prescribed by the Administrator, the SO<sub>2</sub> Group 2 allocations, in accordance with paragraph (3) of this rule, for the control periods in the two years that are four and five years after the year of the applicable deadline for submission under this paragraph.

(3) SO<sub>2</sub> Group 2 Allowance Allocations.

(a) Definitions. For the purpose of this rule, the following definitions apply:

1. Baseline TR SO<sub>2</sub> Group 2 Unit. A TR SO<sub>2</sub> Group 2 unit that either:

(i) Commenced operation on or before January 1, 2014; or

(ii) Submitted a permit application to the Department that was affirmatively deemed complete by the Department in writing on or before January 1, 2014.

2. New TR SO<sub>2</sub> Group 2 Unit. A TR SO<sub>2</sub> Group 2 unit that does not meet the definition of a Baseline SO<sub>2</sub> Group 2 unit as defined in subparagraph (3)(a)1. of this paragraph.

(b) Determination of Heat Input.

1. The heat input (in mmBtu) used for calculating TR SO<sub>2</sub> Group 2 allowance allocations under subparagraph (2)(a) of this rule that are to be submitted to the Administrator by June 1, 2016 will be:

(i) For a Baseline SO<sub>2</sub> Group 2 unit, the average of the three (or less, if applicable) highest amounts of the unit's heat input for the control periods, in which the unit operated, in 2010, 2011, 2012, 2013, and 2014; or

(ii) For a Baseline TR SO<sub>2</sub> Group 2 unit that did not commence operation on or before January 1, 2014 but had submitted a permit application to the Department that was affirmatively deemed complete by the Department in writing on or before January 1, 2014, the expected actual annual heat input based on actual utilization data of similar sources.

(iii) For a New SO<sub>2</sub> Group 2 unit, the expected actual SO<sub>2</sub> heat input based on actual utilization data of similar sources.

2. The heat input (in mmBtu) used for calculating TR SO<sub>2</sub> Group 2 allowance allocations under subparagraph (2)(b) of this rule that are to be submitted to the Administrator by June 1, 2017 will be:

(i) For a Baseline TR SO<sub>2</sub> Group 2 unit, the average of the three (or less, if applicable) highest amounts of the unit's heat input for the control periods, in which the unit operated, in 2011, 2012, 2013, 2014, and 2015; or

(ii) For a Baseline TR SO<sub>2</sub> Group 2 unit that did not commence operation on or before January 1, 2015 but had submitted a permit application to the Department that was affirmatively deemed complete by the Department in writing on or before January 1, 2014, the expected actual annual heat input based on actual utilization data of similar sources.

(iii) For a New TR SO<sub>2</sub> Group 2 unit that commenced operation on or before January 1, 2015, the average of the three (or less, if applicable) highest amounts of the unit's heat input for the control periods, in which the unit operated in 2014 and 2015.

(iv) For a New TR SO<sub>2</sub> Group 2 unit that did not commence operation on or before January 1, 2015, the expected actual SO<sub>2</sub> heat input based on actual utilization data of similar sources.

3. The heat input (in mmBtu) used for calculating TR SO<sub>2</sub> Group 2 allowance allocations under subparagraph (2)(c) of this rule that are to be submitted to the Administrator by June 1, 2018 will be:

(i) For a Baseline TR SO<sub>2</sub> Group 2 unit, the average of the three (or less, if applicable) highest amounts of the unit's heat input, in which the unit operated in 2012, 2013, 2014, 2015, and 2016.

(ii) For a New TR SO<sub>2</sub> Group 2 unit that commenced operation on or before January 1 2016, the average of the three (or less, if applicable) highest

amounts of the unit's heat input for the control period in which the unit operated in 2014, 2015, and 2016.

(iii) For a New TR SO<sub>2</sub> Group 2 unit that did not commence operation on or before January 1, 2016, the expected actual annual heat input based on actual utilization data of similar sources.

4. The heat input (in mmBtu) used for calculating TR SO<sub>2</sub> Group 2 allowance allocations under subparagraph (2)(d) of this rule that are to be submitted to the Administrator by June 1, 2019, and all subsequent allocation years will be:

(i) For a Baseline TR SO<sub>2</sub> Group 2 unit, the average of the three (or less, if applicable) highest amounts of the unit's heat input, for the control periods in which the unit operated for the five most recent control periods available prior to the deadline submission year.

(ii) For a New TR SO<sub>2</sub> Group 2 unit that commenced operation prior to January 1 of the most recent control period available prior to the submission year, the average of the three (or less, if applicable) highest amounts of the unit's heat input, for the control periods in which the unit operated, for the five most recent control periods available prior to the submission year; or

(iii) For a New SO<sub>2</sub> Group 2 unit that did not commence operation prior to January 1 of the most recent control period available prior to the submission year, the expected actual annual heat input based on actual utilization data of similar sources.

5. The unit's total heat input for the control period in each year specified under subparagraph (b) of this paragraph will be determined in accordance with 40 CFR 75 if the TR SO<sub>2</sub> Group 2 unit was otherwise subject to the requirements of 40 CFR 75 for the year, or will be based on the best available data reported to the Administrator and the Department for the unit if the unit was not otherwise subject to the requirements of 40 CFR 75 for the year.

(c) Establishment of Baseline and Retired Unit Allowance Pools. At the time Transport Rule (TR) SO<sub>2</sub> Group 2 allowances are initially allocated to baseline TR SO<sub>2</sub> Group 2 units under subparagraph (2)(a) of this rule, each unit's allocation will be permanently recorded as that unit's "Baseline Allowance". This value will be used to calculate the following:

1. Baseline Allowance Pool. The Baseline Allowance Pool shall be calculated each time TR SO<sub>2</sub> Group 2 allowances are allocated under paragraph (2) of this rule and shall equal the State SO<sub>2</sub> Group 2 Trading Program Budget minus the total of the Baseline Allowances for all baseline TR SO<sub>2</sub> Group 2 units that have retired in accordance with 335-3-5-.08.

2. Retired Unit Allowance Pool. The Retired Unit Allowance Pool shall be calculated each time TR SO<sub>2</sub> Group 2 allowances are allocated under paragraph

(2) of this rule and shall equal the sum of the Baseline Allowances for all TR SO<sub>2</sub> Group 2 units that have retired in accordance with 335-3-5-.08.

(d) Adjustment Ratios. To ensure that the total number of TR SO<sub>2</sub> Group 2 allowances allocated under paragraph (3) of this rule equals the number of tons of TR SO<sub>2</sub> emissions in the State trading program budget, the following ratios may be applied to the calculated TR SO<sub>2</sub> Group 2 allowance allocations, as appropriate.

1. Baseline Adjustment Ratio. The Baseline Adjustment Ratio is the total number of TR SO<sub>2</sub> Group 2 in the Baseline Allowance Pool, divided by the total number of TR SO<sub>2</sub> Group 2 allowances calculated for Baseline TR SO<sub>2</sub> Group 2 units for a control period prior to any adjustments.

(e) Maximum Historic Emission Cap. The maximum historic emission cap is identified by using an 8 year historic emission period for each TR SO<sub>2</sub> Group 2 unit. The last year of the 8 year period will be the same year as the last year used for determination of heat input under paragraph (3)(b) of this rule. The maximum historic emission cap is the maximum SO<sub>2</sub> emissions (in tons) that occurred during any control period during the 8 year historic emission period. Data used for this purpose shall be obtained from the EPA Clean Air Markets Division (CAMD). An additional emission cap may be applied if a TR SO<sub>2</sub> Group 2 unit has an enforcement action or permit limit in place. The 8 year historic emission values will update every two years to coincide with the allocation control period.

(f) Calculation of TR SO<sub>2</sub> Group 2 Allowances for Baseline TR SO<sub>2</sub> Group 2 Units.

1. For each control period under subparagraph (2) of this rule, the Department will allocate TR SO<sub>2</sub> Group 2 allowances from the Baseline Allowance Pool to all baseline TR SO<sub>2</sub> Group 2 units in accordance with the following procedures:

(i) The Department will allocate TR SO<sub>2</sub> Group 2 allowances to each TR SO<sub>2</sub> Group 2 unit under 335-3-5-.07(1)(a) in an amount equaling the unit's share of the State's total 3 year average of heat input determined in accordance with subparagraph (b) of this paragraph, multiplied by the baseline allowance pool. If a TR SO<sub>2</sub> Group 2 unit has an initial historic heat input based allocation that exceeds its maximum historic emission cap as defined in subparagraph (3)(e) of this rule, then its allocation will equal the maximum historic emission cap for that TR SO<sub>2</sub> Group 2 unit.

(ii) Allocations remaining after the application of the maximum historic emission cap are reapportioned on the same basis to baseline TR SO<sub>2</sub> Group 2 units whose historic heat input based allocation does not exceed its maximum historic emission cap, if applicable. These steps are repeated until the entire Baseline Allocation Pool is allocated. The resulting TR SO<sub>2</sub> Group 2 allocation value is rounded to the nearest whole ton.

(g) Calculation of SO<sub>2</sub> Allowances for New TR SO<sub>2</sub> Group 2 Units. For each control period under paragraph (2) of this rule, after calculating SO<sub>2</sub> allowances for all baseline TR SO<sub>2</sub> Group 2 units that have not retired in accordance with 335-3-5-.08, the Department will allocate SO<sub>2</sub> allowances in the Retired Unit Allowance Pool to all new SO<sub>2</sub> Group 2 season units, in accordance with the following procedures:

1. For each new TR SO<sub>2</sub> Group 2 unit under 335-3-5-.07(1)(a), that commenced operation or submitted a permit application affirmatively deemed complete by the Department in writing on or before March 1 of the year allocations are to be submitted to the Administrator under paragraph (2) of this rule, the number of TR SO<sub>2</sub> Group 2 allowances allocated for each applicable control period will be equal to the unit's share of the State's total 3 year average of heat input for all new TR SO<sub>2</sub> Group 2 units, determined in accordance with subparagraph (b) of this paragraph multiplied by the Retired Unit Allowance Pool. If a new TR SO<sub>2</sub> Group 2 unit has an initial historic heat input based allocation that exceeds its maximum historic emission cap as defined in subparagraph (3)(e) of this rule, then its allocation equals the maximum historic emission cap for that TR SO<sub>2</sub> Group 2 unit.

2. Allocations remaining after application of the maximum historic emission cap are reapportioned on the same basis to new TR SO<sub>2</sub> Group 2 units whose historic heat input based allocation does not exceed its maximum historic emission cap, if applicable. These steps are repeated until the entire Retired Unit Allowance Pool is allocated or until all new units receive allocations equal to its maximum historic emission cap. The resulting TR SO<sub>2</sub> Group 2 allocation value is rounded to the nearest whole ton.

(h) Adjustment of Baseline SO<sub>2</sub> Allowance Allocations. If TR SO<sub>2</sub> Group 2 allowances remain in the Retired Unit Allowance Pool after allocations are made to all new TR SO<sub>2</sub> Group 2 units in accordance with subparagraph (g) of this paragraph, these SO<sub>2</sub> allowances will be allocated on a pro rata basis to the baseline TR SO<sub>2</sub> Group 2 units where historic heat input based allocation does not exceed its maximum historic emission cap, for the applicable control periods.

(i) SO<sub>2</sub> allowances allocated to baseline TR SO<sub>2</sub> Group 2 units based on heat inputs determined in accordance with subparagraph (b)1.(ii) or (b)2.(ii) of this paragraph will be held in the State's general account until the unit commences operation, prior to or during the control period for which SO<sub>2</sub> allowances were allocated. If the unit does not commence operations, the SO<sub>2</sub> allowances will be transferred by the Department pro rata to Baseline TR SO<sub>2</sub> Group 2 units that were allocated SO<sub>2</sub> allowances in accordance with subparagraphs (b)1.(i) or (b)2.(i) of this paragraph, and whose historic heat input based allocation does not exceed its maximum historic emission cap if applicable. By January 30 of the following year, the Department shall notify the Administrator of the appropriate SO<sub>2</sub> allowance transfers.

1. SO<sub>2</sub> allowances allocated to new TR SO<sub>2</sub> Group 2 units based on heat inputs determined in accordance with subparagraphs (b)1.(iii), (b)2.(iv), (b)3.(iii),

or (b)4.(iii) of this paragraph will be held in the State's general account until the unit commences operation, prior to or during the control period for which SO<sub>2</sub> allowances were allocated. If the unit does not commence operations, the SO<sub>2</sub> allowances will be transferred by the Department pro rata to Baseline TR SO<sub>2</sub> Group 2 units that were allocated SO<sub>2</sub> allowances in accordance with subparagraphs (b)1.(i) and (ii), (b)2.(i) and (ii), (b)3.(i), or (b)4.(i) of this paragraph, and whose historic heat input based allocation does not exceed its maximum historic emission cap if applicable. By January 30 of the following year, the Department shall notify the Administrator of the appropriate SO<sub>2</sub> allowance transfers.

2. SO<sub>2</sub> allowances will not be allocated to TR SO<sub>2</sub> Group 2 units that retire under 335-3-5-.08 prior to the date SO<sub>2</sub> allowance allocations are submitted to the Administrator under subparagraphs (2)(a), (b), (c), or (d) of this Rule.

3. The total SO<sub>2</sub> Group 2 allowances allocated for any control period in accordance with subparagraphs (3)(f), and (g) of this paragraph shall not exceed the State SO<sub>2</sub> Group 2 Trading Program Budget as determined by the applicable, approved State Implementation Plan.

(j) Units Incorrectly Allocated TR SO<sub>2</sub> Group 2 Allowances. The procedures for addressing units that were incorrectly allocated TR SO<sub>2</sub> Group 2 allowances are incorporated by reference as they exist in 40 CFR §97.711(c), Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-5-.14 Authorization of Designated Representative and Alternate Designated Representative**~~[Repealed February 20, 2015]~~ **Reserved.** [NEW RULE]

(1) General. The Environmental Protection Agency Regulations governing the Authorization of Designated Representative and Alternate Designated Representative for TR SO<sub>2</sub> Sources, are incorporated by reference as they exist in 40 CFR §97.713, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-5-.15 Responsibilities of Designated Representative and Alternate Designated Representative. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing the Responsibilities of Designated Representative and Alternate Designated Representative for TR SO<sub>2</sub> Sources, are incorporated by reference as they exist in 40 CFR §97.714, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.



**335-3-5-.16 Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source for TR SO<sub>2</sub> Sources, are incorporated by reference as they exist in 40 CFR §97.715, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

### **335-3-5-.17 Certificate of Representation. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Certificate of Representation, are incorporated by reference as they exist in 40 CFR §97.716, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-5-.18 Objections Concerning Designated Representative and Alternate Designated Representative. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Objections Concerning Designated Representative and Alternate Designated Representative, are incorporated by reference as they exist in 40 CFR §97.717, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

(2) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-5-.18 substitute:

(a) Only in 40 CFR §97.717(c) substitute "Neither the Administrator nor the Department shall" for "The Administrator will not."

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-5-.19 Delegation by Designated Representative and Alternate Designated Representative. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Delegation by Designated Representative and Alternate Designated Representative, are incorporated by reference as they exist in 40 CFR §97.718, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

| 335-3-5-.20 Reserved.

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**335-3-5-.21 Establishment of Compliance Accounts, Assurance Accounts, and General Accounts. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Establishment of Compliance Accounts, Assurance Accounts, and General Accounts, are incorporated by reference as they exist in 40 CFR §97.720, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

(2) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-5-.21 substitute:

(a) Only in 40 CFR §97.720(c)(4)(iii) substitute "Neither the Administrator nor the Department shall" for "The Administrator will not."

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-5-.22 Recordation of TR SO<sub>2</sub> Allowance Allocations and Auction Results. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Recordation of TR SO<sub>2</sub> Allowance Allocations and Auction Results, are incorporated by reference as they exist in 40 CFR §97.721, Subpart DDDDD as of July 1, 2015, except for the provisions found in 40 CFR §§97.721(a), (b), (h), and (i). (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

### **335-3-5-.23 Submission of TR SO<sub>2</sub> Allowance Transfers. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Submission of TR NO<sub>x</sub> Annual Allowance Transfers, are incorporated by reference as they exist in 40 CFR §97.722, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.



### **335-3-5-.24 Recordation of TR SO<sub>2</sub> Allowance Transfers. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing, Recordation of TR SO<sub>2</sub> Allowance Transfers are incorporated by reference as they exist in 40 CFR §97.723, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

### **335-3-5-.25 Compliance with TR SO<sub>2</sub> Emissions Limitation. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Compliance with TR SO<sub>2</sub> Emissions Limitation, are incorporated by reference as they exist in 40 CFR §97.724, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

### **335-3-5-.26 Compliance with TR SO<sub>2</sub> Assurance Provisions. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Compliance with TR SO<sub>2</sub> Assurance Provisions, are incorporated by reference as they exist in 40 CFR §97.725, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-5-.27 Banking. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Banking for TR SO<sub>2</sub> Allowance, are incorporated by reference as they exist in 40 CFR §97.726, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

(2) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-5-.27 substitute:

(a) Adem Administrative Code r. 335-3-5-.13(3)(j) for 40 CFR §97.711(c).

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-5-.28 Account Error. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Account Error, are incorporated by reference as they exist in 40 CFR §97.727, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-5-.29 Administrator's Action on Submissions. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Administrator's Action on Submissions, are incorporated by reference as they exist in 40 CFR §97.728, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

335-3-5-.30 Reserved.

**335-3-5-.31 General Monitoring, Recordkeeping, and Reporting Requirements. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing General Monitoring, Recordkeeping, and Reporting Requirements, are incorporated by reference as they exist in 40 CFR §97.730, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

(2) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-5-.31 substitute:

(a) Adem Administrative Code r. 335-3-5-.08 for 40 CFR §97.705.

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.



**335-3-5-.32 Initial Monitoring System Certification and Recertification Procedures. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Initial Monitoring System Certification and Recertification Procedures, are incorporated by reference as they exist in 40 CFR §97.731, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

(2) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-5-.32 substitute:

(a) In §97.731(d)(3)(i) insert “, the Department” after “Office.”

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

### **335-3-5-.33 Monitoring System Out-of-Control Periods. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Monitoring System Out-of-Control Periods, are incorporated by reference as they exist in 40 CFR §97.732, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

### **335-3-5-.34 Notifications Concerning Monitoring. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Notifications Concerning Monitoring, are incorporated by reference as they exist in 40 CFR §97.733, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

### **335-3-5-.35 Recordkeeping and Reporting. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Recordkeeping and Reporting, are incorporated by reference as they exist in 40 CFR §97.734, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-5-.36 Petitions for Alternatives to Monitoring, Recordkeeping, or Reporting Requirements. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Petitions for Alternatives to Monitoring, Recordkeeping, or Reporting Requirements, are incorporated by reference as they exist in 40 CFR §97.735, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
AIR DIVISION - AIR POLLUTION CONTROL PROGRAM**

**CHAPTER 335-3-8  
CONTROL OF NITROGEN OXIDES EMISSIONS**

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**335-3-8-.07 ~~[Repealed February 20, 2015] Reserved.~~TR NO<sub>x</sub> Annual Trading Program- Purpose and Definitions. [NEW RULE]**

(1) Purpose. Rules 335-3-8-.07 through 335-3-8-.38 set forth the general, designated representative, allowance, and monitoring provisions for the Transport Rule (TR) NO<sub>x</sub> Annual Trading Program under section 110 of the Clean Air Act, as a means of mitigating interstate transport of fine particulates and nitrogen oxides.

(2) Definitions. For the purpose of rules 335-3-8-.07 through 335-3-8-.38, the definitions listed in 40 CFR §97.402, Subpart AAAAA as of July 1, 2015, will apply.

(a) “Department” shall mean the Alabama Department of Environmental Management.

(b) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-8-.07 substitute:

1. Adem Administrative Code r. 335-3-8-.08 for 40 CFR §97.404.

2. Adem Administrative Code r. 335-3-8-.08(1)(b)2.(ii) and (iii) for 40 CFR §§97.404(b)(2)(i)(B) and (ii).

3. Adem Administrative Code r. 335-3-8-.09 for 40 CFR §97.405.

4. Adem Administrative Code r. 335-3-8-.13(1) for 40 CFR §97.410(a).

5. Adem Administrative Code r. 335-3-8-.13(2) for 40 CFR §97.410(b).

6. Adem Administrative Code r. 335-3-8-.14 for 40 CFR §97.411.

7. Adem Administrative Code r. 335-3-8-.14 for 40 CFR §97.412.

8. Adem Administrative Code r. 335-3-16-.01 for 40 CFR §70.2.

(3) Measurements, Abbreviations, and Acronyms. Measurements, abbreviations, and acronyms used in this rule and in rules 335-3-8-.07 through 335-3-8-.38 are defined as follows:

(a) Btu - British thermal unit.

(b) CO<sub>2</sub> – carbon dioxide

(c) H<sub>2</sub>O – water

(d) hr – hour

(e) kW – kilowatt electrical

(f) kWh – kilowatt hour

(g) lb – pound

(h) mmBtu – million Btu

(i) MWe – megawatt electrical

(j) MWh – megawatt hour

(k) NO<sub>x</sub> – nitrogen oxides

(l) O<sub>2</sub> – oxygen

(m) ppm – parts per million

(n) scfh – standard cubic feet per hour

(o) SO<sub>2</sub> – sulfur dioxide

(p) yr – year

(4) Appeal Procedures. The appeal procedures for decisions of the Administrator under the TR NO<sub>x</sub> Annual Trading Program are set forth in 40 CFR 78.

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.08** ~~[Repealed February 20, 2015]~~ ~~Reserved.~~ TR NO<sub>x</sub> Annual Trading Program – Applicability. [NEW RULE]

(1) Applicability.

(a) Except as provided in subparagraph (b) of this paragraph:

1. The following units in the State of Alabama shall be TR NO<sub>x</sub> Annual units, and any source that includes one or more such units shall be a TR NO<sub>x</sub> Annual source, subject to the requirements of rules 335-3-8-.07 through 335-3-8-.38: any stationary, fossil-fuel-fired boiler or stationary, fossil-fuel-fired combustion turbine serving at any time, on or after January 1, 2005, a generator with nameplate capacity of more than 25 MWe producing electricity for sale.

2. If a stationary boiler or stationary combustion turbine that, under subparagraph (a)1. of this paragraph, is not a TR NO<sub>x</sub> Annual unit begins to combust fossil fuel or to serve a generator with nameplate capacity of more than 25 MWe producing electricity for sale, the unit shall become a TR NO<sub>x</sub> Annual unit as provided in subparagraph (a)1. of this paragraph on the first date on which it both combusts fossil fuel and serves such generator.

(b) Any unit in the State that otherwise is a TR NO<sub>x</sub> Annual unit under subparagraph (a) of this paragraph and that meets the requirements set forth in subparagraphs (b)1.(i) and (ii) or (b)2.(i) and (ii) of this paragraph shall not be TR NO<sub>x</sub> Annual units:

1. Any unit:

(i) Qualifying as a cogeneration unit throughout the later of 2005 or the 12-month period starting on the date the unit first produces electricity and continuing to qualify as a cogeneration unit throughout each calendar year ending after the later of 2005 or such 12-month period; and

(ii) Not supplying in 2005 or any calendar year thereafter more than one-third of the unit's potential electric output capacity or 219,000 MWh, whichever is greater, to any utility power distribution system for sale.

(iii) If, after qualifying under subparagraphs (b)1.(i) and (ii) of this paragraph as not being a TR NO<sub>x</sub> Annual unit, a unit subsequently no longer meets all the requirements of subparagraphs (b)1.(i) and (ii) of this paragraph, the unit shall become a TR NO<sub>x</sub> Annual unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a cogeneration unit or January 1 after the first calendar year during which the unit no longer meets the requirements of subparagraph (b)1.(ii) of this paragraph. The unit shall thereafter continue to be a TR NO<sub>x</sub> Annual unit.

2. Any unit:

(i) Qualifying as a solid waste incineration unit throughout the later of 2005 or the 12-month period starting on the date the unit first produces electricity and continuing to qualify as a solid waste incineration unit throughout each calendar year ending after the later of 2005 or such 12-month period; and

(ii) With an average annual fuel consumption of fossil fuel for the first 3 consecutive calendar years of operation starting no earlier than 2005 of less than 20 percent (on a Btu basis) and an average annual fuel consumption of fossil fuel for any 3 consecutive calendar years thereafter of less than 20 percent (on a Btu basis).

(iii) If, after qualifying under subparagraphs (b)2.(i) and (ii) of this paragraph as not being a TR NO<sub>x</sub> Annual unit, a unit subsequently no longer meets all the requirements of subparagraphs (b)2.(i) and (ii) of this paragraph, the unit shall become a TR NO<sub>x</sub> Annual unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a solid waste incineration unit or January 1 after the first 3 consecutive calendar years after 2005 for which the unit has an average annual fuel consumption of fossil fuel of 20 percent or more. The unit shall thereafter continue to be a TR NO<sub>x</sub> Annual unit.

(c) A certifying official of an owner or operator of any unit or other equipment may submit a petition (including any supporting documents) to the Administrator at any time for a determination concerning the applicability, under subparagraphs (a) and (b) of this paragraph to the unit or other equipment. The certifying official of an owner or operator of any unit or other equipment shall submit a copy of the petition (including any supporting documents) to the Department.

1. Petition content. The petition shall be in writing and include the identification of the unit or other equipment and the relevant facts about the unit or other equipment. The petition and any other documents provided to the Department and the Administrator in connection with the petition shall include the following certification statement, signed by the certifying official: “ I am authorized to make this submission on behalf of the owners and operators of the unit or other equipment for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.”

2. Response. The Administrator will issue a written response to the petition and may request supplemental information determined by the Administrator to be relevant to such petition. The Administrator's

determination concerning the applicability, under subparagraphs (1)(a) and (b) of this rule, of the TR NO<sub>x</sub> Annual Trading Program to the unit or other equipment shall be binding on Alabama, the Department, and any other State or permitting authority unless the Administrator determines that the petition contained significant, relevant errors or omissions.

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.09 ~~[Repealed February 20, 2015]~~ Reserved.** TR NO<sub>x</sub> Annual Trading Program- Retired Unit Exemption. [NEW RULE]

(1) Any TR NO<sub>x</sub> Annual unit that is permanently retired shall be exempt from 40 CFR §§97.406(b) and (c)(1), rule 335-3-8-.27, and rules 335-3-8-.33 through 335-3-8-.38.

(a) The exemption under paragraph (1) of this rule shall become effective the day on which the TR NO<sub>x</sub> Annual unit is permanently retired. Within 30 days of the unit's permanent retirement, the designated representative shall submit a statement to the Administrator. The statement shall state, in a format prescribed by the Administrator, that the unit was permanently retired on a specified date and will comply with the requirements of paragraph (2) of this rule. The designated representative shall submit a copy of the statement to the Department.

(2) Special provisions.

(a) A unit exempt under paragraph (1) of this rule shall not emit any NO<sub>x</sub>, starting on the date that the exemption takes effect.

(b) For a period of 5 years from the date the records are created, the owners and operators of a unit exempt under paragraph (1) of this rule shall retain, at the source that includes the unit, records demonstrating that the unit is permanently retired. The 5-year period for keeping records may be extended for cause, at any time before the end of the period, in writing by the Administrator. The owners and operators bear the burden of proof that the unit is permanently retired.

(c) The owners and operators and, to the extent applicable, the designated representative of a unit exempt under paragraph (1) of this rule shall comply with the requirements of the TR NO<sub>x</sub> Annual Trading Program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.

(d) A unit exempt under paragraph (1) of this rule shall lose its exemption on the first date on which the unit resumes operation. Such unit shall be treated, for purposes of applying allocation, monitoring, reporting, and recordkeeping requirements under the TR NO<sub>x</sub> Annual Trading Program, as a unit that commences commercial operation on the first date on which the unit resumes operation.

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.10 TR NO<sub>x</sub> Annual Trading Program - ~~[Repealed February 20, 2015]~~ Reserved. Standard Requirements. [NEW RULE]**

(1) General. The Environmental Protection Agency's Standard Requirements for TR NO<sub>x</sub> Sources, are incorporated by reference as they exist in 40 CFR §97.406, Subpart AAAAA as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

(2) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-8-.10 substitute:

(a) Adem Administrative Code r. 335-3-16-.13(3) for 40 CFR §70.7(e)(2).

(b) Adem Administrative Code r. 335-3-16-.13(3)(a)2. for 40 CFR §70.7(e)(2)(i)(B).

(c) Adem Administrative Code r. 335-3-8-.14 for 40 CFR §§97.411(a)(2) and (b).

(d) Adem Administrative Code r. 335-3-8-.14 for 40 CFR §97.412.

(e) Adem Administrative Code r. 335-3-8-.09 for 40 CFR §97.405.

(f) Adem Administrative Code r. 335-3-8-.13(1) for 40 CFR §97.410(a).

(g) Adem Administrative Code r. 335-3-8-.13(2) for 40 CFR §97.410(b).

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.11 TR NO<sub>x</sub> Annual Trading Program – Computation of Time. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Computation of Time under the TR NO<sub>x</sub> Annual Trading Program, are incorporated by reference as they exist in 40 CFR §97.407, Subpart AAAAA as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**~~[Repealed February 20, 2015] Reserved.~~**



**335-3-8-.12** ~~**[Repealed February 20, 2015] Reserved.**~~ **Administrative Appeal Procedures. [NEW RULE]**

- (1) The appeal procedures for decisions of the Administrator under rules 335-3-8-.07 through 335-3-8-.38 are set forth in 40 CFR 78.

**335-3-8-.13 NO<sub>x</sub> Annual Trading Budgets and Variability Limits. [NEW RULE]**

(1) The State NO<sub>x</sub> Annual trading budgets for allocations of TR NO<sub>x</sub> Annual allowances for the control periods in 2017 and thereafter is 71,962 tons.

(2) The State NO<sub>x</sub> annual variability limit for the State NO<sub>x</sub> Annual trading budgets for the control periods in 2017 and thereafter is 12,953 tons.

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016. ~~[Repealed—February—20, 2015] Reserved.~~

**335-3-8-.14 ~~[Repealed February 20, 2015]~~ Reserved. TR NO<sub>x</sub> Annual Allowance Allocations. [NEW RULE]**

(1) State Annual Trading Program Budget. The State trading budget for annual allocations of Transport Rule (TR) NO<sub>x</sub> Annual allowances for the control periods 2017 and thereafter is 71,962 tons.

(2) Timing Requirements for NO<sub>x</sub> Allowance Allocations.

(a) By June 1, 2016, the Department will submit to the Administrator, in a format prescribed by the Administrator, the annual NO<sub>x</sub> allowance allocations, in accordance with paragraph (3) of this rule, for the control periods in 2017 and 2018.

(b) By June 1, 2017, the Department will submit to the Administrator, in a format prescribed by the Administrator, the annual NO<sub>x</sub> allowance allocations, in accordance with paragraph (3) of this rule, for the control periods in 2019 and 2020.

(c) By June 1, 2018, the Department will submit to the Administrator, in a format prescribed by the Administrator, the annual NO<sub>x</sub> allowance allocations, in accordance with paragraph (3) of this rule, for the control periods in 2021 and 2022.

(d) By June 1, 2019, and every other year thereafter, the Department shall submit to the Administrator, in a format prescribed by the Administrator, the annual NO<sub>x</sub> allowance allocations, in accordance with paragraph (3) of this rule, for the control periods in the two years that are four and five years after the year of the applicable deadline for submission under this paragraph.

(3) NO<sub>x</sub> Allowance Allocations.

(a) Definitions. For the purpose of this rule, the following definitions apply:

1. Baseline TR NO<sub>x</sub> Unit. A TR NO<sub>x</sub> unit that either:

(i) Commenced operation on or before January 1, 2014; or

(ii) Submitted a permit application to the Department that was affirmatively deemed complete by the Department in writing on or before January 1, 2014.

2. New TR NO<sub>x</sub> Unit. A TR NO<sub>x</sub> unit that does not meet the definition of a Baseline TR NO<sub>x</sub> Unit as defined in subparagraph (3)(a)1. of this paragraph.

(b) Determination of Heat Input.

1. The heat input (in mmBtu) used for calculating TR NO<sub>x</sub> allowance allocations under subparagraph (2)(a) of this rule that are to be submitted to the Administrator by June 1, 2016 will be:

(i) For a Baseline TR NO<sub>x</sub> unit, the average of the three (or less, if applicable) highest amounts of the unit's heat input for the control periods, in which the unit operated, in 2010, 2011, 2012, 2013, and 2014; or

(ii) For a Baseline TR NO<sub>x</sub> unit that did not commence operation on or before January 1, 2014, but had submitted a permit application to the Department that was affirmatively deemed complete by the Department in writing on or before January 1, 2014, the expected actual annual heat input based on actual utilization data of similar sources.

(iii) For a New TR NO<sub>x</sub> unit, the expected actual annual heat input based on actual utilization data of similar sources.

2. The heat input (in mmBtu) used for calculating TR NO<sub>x</sub> allowance allocations under subparagraph (2)(b) of this rule that are to be submitted to the Administrator by June 1, 2017 will be:

(i) For a Baseline TR NO<sub>x</sub> unit, the average of the three (or less, if applicable) highest amounts of the unit's heat input for the control periods, in which the unit operated, in 2011, 2012, 2013, 2014, and 2015; or

(ii) For a Baseline TR NO<sub>x</sub> unit that did not commence operation on or before January 1, 2015, but had submitted a permit application to the Department that was affirmatively deemed complete by the Department in writing on or before January 1, 2014, the expected actual annual heat input based on actual utilization data of similar sources.

(iii) For a New TR NO<sub>x</sub> unit that commenced operation on or before January 1, 2015, the average of the three (or less, if applicable) highest amounts of the unit's heat input for the control periods, in which the unit operated in 2014 and 2015.

(iv) For a New TR NO<sub>x</sub> unit that did not commence operation on or before January 1, 2015, the expected actual annual heat input based on actual utilization data of similar sources.

3. The heat input (in mmBtu) used for calculating TR NO<sub>x</sub> allowance allocations under subparagraph (2)(c) of this rule that are to be submitted to the Administrator by June 1, 2018 will be:

(i) For a Baseline TR NO<sub>x</sub> unit, the average of the three (or less, if applicable) highest amounts of the unit's heat input for the control periods, in which the unit operated in 2012, 2013, 2014, 2015, and 2016.

(ii) For a New TR NO<sub>x</sub> unit that commenced operation on or before January 1 2016, the average of the three (or less, if applicable) highest amounts of the unit's heat input, in which the unit operated in 2014, 2015, and 2016.

(iii) For a New TR NO<sub>x</sub> unit that did not commence operation on or before January 1, 2016, the expected actual annual heat input based on actual utilization data of similar sources.

4. The heat input (in mmBtu) used for calculating TR NO<sub>x</sub> allowance allocations under subparagraph (2)(d) of this rule that are to be submitted to the Administrator by June 1, 2019, and all subsequent allocation years will be:

(i) For a Baseline TR NO<sub>x</sub> unit, the average of the three (or less, if applicable) highest amounts of the unit's heat input, in which the unit operated for the five most recent control periods available prior to the deadline submission year.

(ii) For a New TR NO<sub>x</sub> unit that commenced operation prior to January 1 of the most recent control period available prior to the submission year, the average of the three (or less, if applicable) highest amounts of the unit's heat input, in which the unit operated, for the five most recent control periods available prior to the submission year; or

(iii) For a New TR NO<sub>x</sub> unit that did not commence operation prior to January 1 of the most recent control period available prior to the submission year, the expected actual annual heat input based on actual utilization data of similar sources.

5. The unit's total heat input for the control period in each year specified under subparagraph (b) of this paragraph will be determined in accordance with 40 CFR 75 if the TR NO<sub>x</sub> unit was otherwise subject to the requirements of 40 CFR 75 for the year, or will be based on the best available data reported to the Administrator and the Department for the unit if the unit was not otherwise subject to the requirements of 40 CFR 75 for the year.

(c) Establishment of Baseline and Retired Unit Allowance Pools. At the time Transport Rule (TR) annual NO<sub>x</sub> allowances are initially allocated to baseline TR NO<sub>x</sub> units under subparagraph (2)(a) of this rule, each unit's allocation will be permanently recorded as that unit's "Baseline Allowance". This value will be used to calculate the following:

1. Baseline Allowance Pool. The Baseline Allowance Pool shall be calculated each time TR annual NO<sub>x</sub> allowances are allocated under paragraph (2) of this rule and shall equal the State Annual Trading Program Budget minus the total of the Baseline Allowances for all baseline TR NO<sub>x</sub> units that have retired in accordance with Rule 335-3-8-.09.

2. Retired Unit Allowance Pool. The Retired Unit Allowance Pool shall be calculated each time TR NO<sub>x</sub> allowances are allocated under paragraph (2) of

this rule and shall equal the sum of the Baseline Allowances for all TR NO<sub>x</sub> units that have retired in accordance with Rule 335-3-8-.09.

(d) Adjustment Ratios. To ensure that the total number of TR NO<sub>x</sub> allowances allocated under paragraph (3) of this rule equals the number of tons of TR NO<sub>x</sub> emissions in the State trading program budget, the following ratios may be applied to the calculated TR NO<sub>x</sub> allowance allocations, as appropriate.

1. Baseline Adjustment Ratio. The Baseline Adjustment Ratio is the total number of TR NO<sub>x</sub> allowances in the Baseline Allowance Pool, divided by the total number of TR NO<sub>x</sub> allowances calculated for Baseline TR NO<sub>x</sub> units for a control period prior to any adjustments.

(e) Maximum Historic Emission Cap. The maximum historic emission cap is identified by using an 8 year historic emission period for each TR NO<sub>x</sub> unit. The last year of the 8 year period will be the same year as the last year used for determination of heat input under paragraph (3)(b) of this rule. The maximum historic emission cap is the maximum NO<sub>x</sub> emissions (in tons) that occurred during any control period during the 8 year historic emission period. Data used for this purpose shall be obtained from the EPA Clean Air Markets Division (CAMD). An additional emission cap may be applied if a TR NO<sub>x</sub> unit has an enforcement action or permit limit in place. The 8 year historic emission values will update every two years to coincide with the allocation control period.

(f) Calculation of TR NO<sub>x</sub> Allowances for Baseline TR NO<sub>x</sub> Units.

1. For each control period under paragraph (2) of this rule, the Department will allocate TR NO<sub>x</sub> allowances from the Baseline Allowance Pool to all baseline TR NO<sub>x</sub> units in accordance with the following procedures:

(i) The Department will allocate TR NO<sub>x</sub> allowances to each TR NO<sub>x</sub> unit under Rule 335-3-8-.08(1)(a) in an amount equaling the unit's share of the State's total 3 year average of heat input determined in accordance with subparagraph (b) of this paragraph, multiplied by the baseline allowance pool. If a TR NO<sub>x</sub> unit has an initial historic heat input based allocation that exceeds its maximum historic emission cap as defined in subparagraph (3)(e) of this paragraph, then its allocation will equal the maximum historic emission cap for that TR NO<sub>x</sub> unit.

(ii) Allocations remaining after the application of the maximum historic emission cap are reapportioned on the same basis to baseline TR NO<sub>x</sub> units whose historic heat input based allocation does not exceed its maximum historic emission cap, if applicable. These steps are repeated until the entire Baseline Allocation Pool is allocated. The resulting TR NO<sub>x</sub> allocation value is rounded to the nearest whole ton.

(g) Calculation of NO<sub>x</sub> Allowances for New TR NO<sub>x</sub> Units. For each control period under paragraph (2) of this rule, after calculating NO<sub>x</sub> allowances for all baseline TR NO<sub>x</sub> units that have not retired in accordance with Rule 335-3-8-.09, the Department will allocate NO<sub>x</sub> allowances in the Retired Unit

Allowance Pool to all new TR NO<sub>x</sub> units, in accordance with the following procedures:

1. For each new TR NO<sub>x</sub> unit under Rule 335-3-8-.08(1)(a), that commenced operation or submitted a permit application affirmatively deemed complete by the Department in writing on or before March 1 of the year allocations are to be submitted to the Administrator under paragraph (2) of this rule, the number of TR NO<sub>x</sub> allowances allocated for each applicable control period will be equal to the unit's share of the State's total 3 year average of heat input for all new TR NO<sub>x</sub> units, determined in accordance with subparagraph (b) of this paragraph multiplied by the Retired Unit Allowance Pool. If a new TR NO<sub>x</sub> unit has an initial historic heat input based allocation that exceeds its maximum historic emission cap as defined in subparagraph (3)(c) of this paragraph, then its allocation equals the maximum historic emission cap for that TR NO<sub>x</sub> unit .

2. Allocations remaining after application of the maximum historic emission cap are reapportioned on the same basis to new TR NO<sub>x</sub> units whose historic heat input based allocation does not exceed its maximum historic emission cap, if applicable. These steps are repeated until the entire Retired Unit Allowance Pool is allocated or until all new units receive allocations equal to its maximum historic emission cap. The resulting TR NO<sub>x</sub> allocation value is rounded to the nearest whole ton.

(h) Adjustment of Baseline NO<sub>x</sub> Allowance Allocations. If TR NO<sub>x</sub> allowances remain in the Retired Unit Allowance Pool after allocations are made to all new TR NO<sub>x</sub> units in accordance with subparagraph (g) of this paragraph, these NO<sub>x</sub> allowances will be allocated on a pro rata basis to the baseline TR NO<sub>x</sub> units where historic heat input based allocation does not exceed its maximum historic emission cap, for the applicable control periods.

(i) NO<sub>x</sub> allowances allocated to baseline TR NO<sub>x</sub> units based on heat inputs determined in accordance with subparagraph (b)1.(ii) or (b)2.(ii) of this paragraph will be held in the State's general account until the unit commences operation, prior to or during the control period for which NO<sub>x</sub> allowances were allocated. If the unit does not commence operations, the NO<sub>x</sub> allowances will be transferred by the Department pro rata to Baseline TR NO<sub>x</sub> units that were allocated NO<sub>x</sub> allowances in accordance with subparagraph (b)1.(i) or (b)2.(i) of this paragraph, and whose historic heat input based allocation does not exceed its maximum historic emission cap if applicable. By January 30 of the following year, the Department shall notify the Administrator of the appropriate NO<sub>x</sub> allowance transfers.

1. NO<sub>x</sub> allowances allocated to new TR NO<sub>x</sub> units based on heat inputs determined in accordance with subparagraphs (b)1.(iii), (b)2.(iv), (b)3.(iii), or (b)4.(iii) of this paragraph will be held in the State's general account until the unit commences operation, prior to or during the control period for which NO<sub>x</sub> allowances were allocated. If the unit does not commence operation, the NO<sub>x</sub> allowances will be transferred by the Department pro rata to Baseline TR NO<sub>x</sub>

units that were allocated NO<sub>x</sub> allowances in accordance with subparagraphs (b)1.(i) and (ii), (b)2.(i) and (ii), (b)3.(i), or (b)4.(i) of this paragraph, and whose historic heat input based allocation does not exceed its maximum historic emission cap if applicable. By January 30 of the following year, the Department shall notify the Administrator of the appropriate NO<sub>x</sub> allowance transfers.

2. NO<sub>x</sub> allowances will not be allocated to TR NO<sub>x</sub> units that retire under Rule 335-3-8-.09 prior to the date NO<sub>x</sub> allowance allocations are submitted to the Administrator under subparagraphs (2)(a), (b), (c), or (d) of this rule.

3. The total NO<sub>x</sub> allowances allocated for any control period in accordance with subparagraphs (3)(f), and (g) of this paragraph shall not exceed the State NO<sub>x</sub> Annual Trading Program Budget as determined by the applicable, approved State Implementation Plan.

(j) Units Incorrectly Allocated TR NO<sub>x</sub> Annual Allowances. The procedures for addressing units that were incorrectly allocated TR NO<sub>x</sub> Annual allowances are incorporated by reference as they exist in 40 CFR §97.411(c), Subpart AAAAA as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.



335-3-8-.15 ~~[Repealed February 20, 2015]~~ Reserved.

**335-3-8-.16** ~~**[Repealed February 20, 2015] Reserved.**~~**Authorization of Designated Representative and Alternate Designated Representative. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing the Authorization of Designated Representative and Alternate Designated Representative for TR NO<sub>x</sub> Sources, are incorporated by reference as they exist in 40 CFR §97.413, Subpart AAAAA as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.17 ~~[Repealed February 20, 2015] Reserved.~~Responsibilities of Designated Representative and Alternate Designated Representative. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing the Responsibilities of Designated Representative and Alternate Designated Representative for TR NO<sub>x</sub> Sources, are incorporated by reference as they exist in 40 CFR §97.414, Subpart AAAAA as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.18** ~~**[Repealed February 20, 2015]**~~~~**Reserved.**~~**Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source for TR NO<sub>x</sub> Sources, are incorporated by reference as they exist in 40 CFR §97.415, Subpart AAAAA as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.19 ~~Reserved.~~Certificate of Representation. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Certificate of Representation, are incorporated by reference as they exist in 40 CFR §97.416, Subpart AAAAA as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.20** ~~**[Repealed February 20, 2015] Reserved.**~~ **Objections Concerning Designated Representative and Alternate Designated Representative. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Objections Concerning Designated Representative and Alternate Designated Representative, are incorporated by reference as they exist in 40 CFR §97.417, Subpart AAAAA as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

(2) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-8-.20 substitute:

(a) Only in 40 CFR §97.417(c) substitute "Neither the Administrator nor the Department shall" for "The Administrator will not."

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.21** ~~[Repealed February 20, 2015] Reserved.~~Delegation by Designated Representative and Alternate Designated Representative. [NEW RULE]

(1) General. The Environmental Protection Agency Regulations governing Delegation by Designated Representative and Alternate Designated Representative, are incorporated by reference as they exist in 40 CFR §97.418, Subpart AAAAA as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

335-3-8-.22 ~~[Repealed February 20, 2015]~~ Reserved.



**335-3-8-.23** ~~[Repealed February 20, 2015]~~ ~~Reserved.~~ Establishment of Compliance Accounts, Assurance Accounts, and General Accounts. [NEW RULE]

(1) General. The Environmental Protection Agency Regulations governing Establishment of Compliance Accounts, Assurance Accounts, and General Accounts, are incorporated by reference as they exist in 40 CFR §97.420, Subpart AAAAA as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

(2) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-8-.23 substitute:

(a) Only in 40 CFR §97.420(c)(4)(iii) substitute "Neither the Administrator nor the Department shall" for "The Administrator will not."

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.24** ~~**[Repealed February 20, 2015] Reserved.**~~ **Recordation of TR NO<sub>x</sub> Annual Allowance Allocations and Auction Results. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Recordation of TR NO<sub>x</sub> Annual Allowance Allocations and Auction Results, are incorporated by reference as they exist in 40 CFR §97.421, Subpart AAAAA as of July 1, 2015, except for the provisions found in 40 CFR §§97.421(a), (b), (h), and (i). (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.25** ~~**[Repealed February 20, 2015]**~~ ~~**Reserved.**~~ **Submission of TR NO<sub>x</sub> Annual Allowance Transfers. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Submission of TR NO<sub>x</sub> Annual Allowance Transfers, are incorporated by reference as they exist in 40 CFR §97.422, Subpart AAAAA as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.26** ~~**[Repealed February 20, 2015]**~~ ~~**Reserved.**~~ **Recordation of TR NO<sub>x</sub> Annual Allowance Transfers. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing, Recordation of TR NO<sub>x</sub> Annual Allowance Transfers are incorporated by reference as they exist in 40 CFR §97.423, Subpart AAAAA as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.27 ~~[Repealed February 20, 2015]~~ Reserved.** Compliance with TR NOX Annual Emissions Limitation. [NEW RULE]

(1) General. The Environmental Protection Agency Regulations governing Compliance with TR NO<sub>x</sub> Annual Emissions Limitation, are incorporated by reference as they exist in 40 CFR §97.424, Subpart AAAAA as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.28 ~~Reserved.~~ Compliance with TR NO<sub>x</sub> Annual Assurance Provisions. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Compliance with TR NO<sub>x</sub> Annual Assurance Provisions, are incorporated by reference as they exist in 40 CFR §97.425, Subpart AAAAA as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.29** ~~**[Repealed February 20, 2015]**~~ **Reserved.Banking. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Banking for TR NO<sub>x</sub> Annual Allowance, are incorporated by reference as they exist in 40 CFR §97.426, Subpart AAAAA as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

(2) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-8-.29 substitute:

(a) Adem Administrative Code r. 335-3-8-.14(3)(j) for 40 CFR §97.411(c).

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.30** ~~**[Repealed February 20, 2015] Reserved.**~~**Account Error. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Account Error, are incorporated by reference as they exist in 40 CFR §97.427, Subpart AAAAA as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.



**335-3-8-.31** ~~**[Repealed February 20, 2015]**~~ ~~**Reserved.**~~**Administrator's Action on Submissions. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Administrator's Action on Submissions, are incorporated by reference as they exist in 40 CFR §97.428, Subpart AAAAA as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

335-3-8-.32 ~~[Repealed February 20, 2015]~~ Reserved.

**335-3-8-.33 ~~[Repealed February 20, 2015] Reserved.~~General Monitoring, Recordkeeping, and Reporting Requirements. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing General Monitoring, Recordkeeping, and Reporting Requirements, are incorporated by reference as they exist in 40 CFR §97.430, Subpart AAAAA as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

(2) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-8-.33 substitute:

(a) Adem Administrative Code r. 335-3-8-.09 for 40 CFR §97.405.

**Author:** Ronald W. Gore.

**Statutory Authority: Code** of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.34 Initial Monitoring System Certification and Recertification Procedures. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Initial Monitoring System Certification and Recertification Procedures, are incorporated by reference as they exist in 40 CFR §97.431, Subpart AAAAA as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

(2) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-8-.34 substitute:

(a) In §97.431(d)(3)(i) insert “, the Department” after “Office.”

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.35 Monitoring System Out-of-Control Periods. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Monitoring System Out-of-Control Periods, are incorporated by reference as they exist in 40 CFR §97.432, Subpart AAAAA as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

### **335-3-8-.36 Notifications Concerning Monitoring. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Notifications Concerning Monitoring, are incorporated by reference as they exist in 40 CFR §97.433, Subpart AAAAA as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

### **335-3-8-.37 Recordkeeping and Reporting. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Recordkeeping and Reporting, are incorporated by reference as they exist in 40 CFR §97.434, Subpart AAAAAA as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.38 Petitions for Alternatives to Monitoring, Recordkeeping, or Reporting Requirements. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Petitions for Alternatives to Monitoring, Recordkeeping, or Reporting Requirements, are incorporated by reference as they exist in 40 CFR §97.435, Subpart AAAAA as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)



**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.39 TR NO<sub>x</sub> Ozone Season Trading Program – Purpose and Definitions. [NEW RULE]**

(1) Purpose. Rules 335-3-8-.39 through 335-3-8-.70 set forth the general, designated representative, allowance, and monitoring provisions for the Transport Rule (TR) NO<sub>x</sub> Ozone Season Trading Program under section 110 of the Clean Air Act, as a means of mitigating interstate transport of ozone and nitrogen oxides.

(2) Definitions. For the purpose of rules 335-3-8-.39 through 335-3-8-.70 the definitions listed in 40 CFR §97.502, Subpart BBBB as of July 1, 2015, will apply.

(a) “Department” shall mean the Alabama Department of Environmental Management.

(b) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-8-.39 substitute:

1. Adem Administrative Code r. 335-3-8-.40 for 40 CFR §97.504.

2. Adem Administrative Code r. 335-3-8-.40(1)(b)2.(ii) and (iii) for 40 CFR §§97.504(b)(2)(i)(B) and (ii).

3. Adem Administrative Code r. 335-3-8-.41 for 40 CFR §97.505.

4. Adem Administrative Code r. 335-3-8-.45(1) for 40 CFR §97.510(a).

5. Adem Administrative Code r. 335-3-8-.45(2) for 40 CFR §97.510(b).

6. Adem Administrative Code r. 335-3-8-.46 for 40 CFR §97.511.

7. Adem Administrative Code r. 335-3-8-.46 for 40 CFR §97.512.

(3) Measurements, Abbreviations, and Acronyms. Measurements, abbreviations, and acronyms used in this rule and in rules 335-3-8-.39 through 335-3-8-.70 are defined as follows:

(a) Btu - British thermal unit.

(b) CO<sub>2</sub> – carbon dioxide

(c) H<sub>2</sub>O – water

(d) hr – hour

(e) kW – kilowatt electrical

(f) kWh – kilowatt hour

(g) lb – pound

(h) mmBtu – million Btu

(i) MWe – megawatt electrical

(j) MWh – megawatt hour

(k) NO<sub>x</sub> – nitrogen oxides

(l) O<sub>2</sub> – oxygen

(m) ppm – parts per million

(n) scfh – standard cubic feet per hour

(o) SO<sub>2</sub> – sulfur dioxide

(p) yr – year

(4) Appeal Procedures. The appeal procedures for decisions of the Administrator under the TR NO<sub>x</sub> Ozone Season Trading Program are set forth in 40 CFR 78.

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.40 TR NO<sub>x</sub> Ozone Season Trading Program – Applicability. [NEW RULE]**

(1) Applicability.

(a) Except as provided in subparagraph (b) of this paragraph:

1. The following units in the State of Alabama shall be TR NO<sub>x</sub> Ozone Season units, and any source that includes one or more such units shall be a

TR NO<sub>x</sub> Ozone Season source, subject to the requirements of rules 335-3-8-.39 through 335-3-8-.70: any stationary, fossil-fuel-fired boiler or stationary, fossil-fuel-fired combustion turbine serving at any time, on or after January 1, 2005, a generator with nameplate capacity of more than 25 MWe producing electricity for sale.

2. If a stationary boiler or stationary combustion turbine that, under subparagraph (a)1. of this paragraph, is not a TR NO<sub>x</sub> Ozone Season unit begins to combust fossil fuel or to serve a generator with nameplate capacity of more than 25 MWe producing electricity for sale, the unit shall become a TR NO<sub>x</sub> Ozone Season unit as provided in subparagraph (a)1. of this paragraph on the first date on which it both combusts fossil fuel and serves such generator.

(b) Any unit in the State that otherwise is a TR NO<sub>x</sub> Ozone Season unit under subparagraph (a) of this paragraph and that meets the requirements set forth in subparagraphs (b)1.(i) and (ii) or 2.(i) and (ii) of this paragraph shall not be a TR NO<sub>x</sub> Ozone Season unit:

1. Any unit:

(i) Qualifying as a cogeneration unit throughout the later of 2005 or the 12-month period starting on the date the unit first produces electricity and continuing to qualify as a cogeneration unit throughout each calendar year ending after the later of 2005 or such 12-month period; and

(ii) Not supplying in 2005 or any calendar year thereafter more than one-third of the unit's potential electric output capacity or 219,000 MWh, whichever is greater, to any utility power distribution system for sale.

(iii) If, after qualifying under subparagraphs (b)1.(i) and (ii) of this paragraph as not being a TR NO<sub>x</sub> Ozone Season unit, a unit subsequently no longer meets all the requirements of subparagraphs (b)1.(i) and (ii) of this paragraph, the unit shall become a TR NO<sub>x</sub> Ozone Season unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a cogeneration unit or January 1 after the first calendar year during which the unit no longer meets the requirements of subparagraph (b)1.(ii) of this paragraph. The unit shall thereafter continue to be a TR NO<sub>x</sub> Ozone Season unit.

2. Any unit:

(i) Qualifying as a solid waste incineration unit throughout the later of 2005 or the 12-month period starting on the date the unit first produces electricity and continuing to qualify as a solid waste incineration unit throughout each calendar year ending after the later of 2005 or such 12-month period; and

(ii) With an average annual fuel consumption of fossil fuel for the first 3 consecutive calendar years of operation starting no earlier than 2005 of less than 20 percent (on a Btu basis) and an average annual fuel consumption of

fossil fuel for any 3 consecutive calendar years thereafter of less than 20 percent (on a Btu basis).

(iii) If, after qualifying under subparagraphs (b)2.(i) and (ii) of this paragraph as not being a TR NO<sub>x</sub> Ozone Season unit, a unit subsequently no longer meets all the requirements of subparagraphs (b)2.(i) and (ii) of this paragraph, the unit shall become a TR NO<sub>x</sub> Ozone Season unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a solid waste incineration unit or January 1 after the first 3 consecutive calendar years after 2005 for which the unit has an average annual fuel consumption of fossil fuel of 20 percent or more. The unit shall thereafter continue to be a TR NO<sub>x</sub> Ozone Season unit.

(c) A certifying official of an owner or operator of any unit or other equipment may submit a petition (including any supporting documents) to the Administrator at any time for a determination concerning the applicability, under subparagraphs (a) and (b) of this paragraph, to the unit or other equipment. The certifying official of an owner or operator of any unit or other equipment shall submit a copy of the petition (including any supporting documents) to the Department.

1. Petition content. The petition shall be in writing and include the identification of the unit or other equipment and the relevant facts about the unit or other equipment. The petition and any other documents provided to the Department and the Administrator in connection with the petition shall include the following certification statement, signed by the certifying official: "I am authorized to make this submission on behalf of the owners and operators of the unit or other equipment for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

2. Response. The Administrator will issue a written response to the petition and may request supplemental information determined by the Administrator to be relevant to such petition. The Administrator's determination concerning the applicability, under subparagraphs (1)(a) and (b) of this rule, of the TR NO<sub>x</sub> Ozone Season Trading Program to the unit or other equipment shall be binding on Alabama, the Department, and any other State or permitting authority unless the Administrator determines that the petition contained significant, relevant errors or omissions.

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.41 TR NO<sub>x</sub> Ozone Season Trading Program – Retired Unit Exemption. [NEW RULE]**

(1) Any TR NO<sub>x</sub> Ozone Season unit that is permanently retired shall be exempt from 40 CFR §§97.506(b) and (c)(1), rule 335-3-8-.59, and rules 335-3-8-.65 through 335-3-8-.70.

(a) The exemption under paragraph (1) of this rule shall become effective the day on which the TR NO<sub>x</sub> Ozone Season unit is permanently retired. Within 30 days of the unit's permanent retirement, the designated representative shall submit a statement to the Administrator. The statement shall state, in a format prescribed by the Administrator, that the unit was permanently retired on a specified date and will comply with the requirements of paragraph (2) of this rule. The designated representative shall submit a copy of the statement to the Department.

(2) Special provisions.

(a) A unit exempt under paragraph (1) of this rule shall not emit any NO<sub>x</sub>, starting on the date that the exemption takes effect.

(b) For a period of 5 years from the date the records are created, the owners and operators of a unit exempt under paragraph (1) of this rule shall retain, at the source that includes the unit, records demonstrating that the unit is permanently retired. The 5-year period for keeping records may be extended for cause, at any time before the end of the period, in writing by the Administrator. The owners and operators bear the burden of proof that the unit is permanently retired.

(c) The owners and operators and, to the extent applicable, the designated representative of a unit exempt under paragraph (1) of this rule shall comply with the requirements of the TR NO<sub>x</sub> Ozone Season Trading Program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.

(d) A unit exempt under paragraph (1) of this rule shall lose its exemption on the first date on which the unit resumes operation. Such unit shall be treated, for purposes of applying allocation, monitoring, reporting, and recordkeeping requirements under TR NO<sub>x</sub> Ozone Season Trading Program, as a unit that commences commercial operation on the first date on which the unit resumes operation.

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.42 TR NO<sub>x</sub> Ozone Season Trading Program – Standard Requirements. [NEW RULE]**

(1) General. The Environmental Protection Agency's Standard Requirements for TR NO<sub>x</sub> Ozone Season Sources, are incorporated by reference as they exist in 40 CFR §97.506, Subpart BBBB as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

(2) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-8-.42 substitute:

(a) Adem Administrative Code r. 335-3-16-.13(3) for 40 CFR §70.7(e)(2).

(b) Adem Administrative Code r. 335-3-16-.13(3)(a)2. for 40 CFR §70.7(e)(2)(i)(B).

(c) Adem Administrative Code r. 335-3-8-.46 for 40 CFR §§97.511(a)(2) and (b).

(d) Adem Administrative Code r. 335-3-8-.46 for 40 CFR §97.512.

(e) Only in 40 CFR §97.506(e) substitute "Administrator or the Department" for "Administrator."

(f) Adem Administrative Code r. 335-3-8-.41 for 40 CFR §97.505.

(g) Adem Administrative Code r. 335-3-8-.45(1) for §97.510(a).

(h) Adem Administrative Code r. 335-3-8-.45(2) for §97.510(b).

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.43 TR NO<sub>x</sub> Ozone Season Trading Program – Computation of Time. [NEW RULE]**



(1) General. The Environmental Protection Agency Regulations governing Computation of Time under the TR NO<sub>x</sub> Ozone Season Trading Program, are incorporated by reference as they exist in 40 CFR §97.507, Subpart BBBBBB as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

- (1) The appeal procedures for the decisions of the Administrator under rules 335-3-8-.39 through 335-3-8-.70 are set forth in 40 CFR 78.

**335-3-8-.45 NO<sub>x</sub> Ozone Season Trading Budgets and Variability Limits.**  
**[NEW RULE]**

- (1) The State NO<sub>x</sub> ozone season trading budgets for allocations of TR NO<sub>x</sub> Ozone Season allowances for the control periods in 2017 and thereafter is 31,499 tons.
- (2) The State NO<sub>x</sub> ozone season variability limit for the State NOX Ozone season trading budgets for the control periods in 2017 and thereafter is 6,615 tons.

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

(1) State Ozone Season Trading Program Budget. The State trading budget for annual allocations of Transport Rule (TR) NO<sub>x</sub> ozone season allowances for the control periods 2017 and thereafter is 31,499 tons.

(2) Timing Requirements for NO<sub>x</sub> Ozone Season Allowance Allocations.

(a) By June 1, 2016, the Department will submit to the Administrator, in a format prescribed by the Administrator, the NO<sub>x</sub> ozone season allowance allocations, in accordance with paragraph (3) of this rule, for the control periods in 2017 and 2018.

(b) By June 1, 2017, the Department will submit to the Administrator, in a format prescribed by the Administrator, the NO<sub>x</sub> ozone season allowance allocations, in accordance with paragraph (3) of this rule, for the control periods in 2019 and 2020.

(c) By June 1, 2018, the Department will submit to the Administrator, in a format prescribed by the Administrator, the NO<sub>x</sub> ozone season allowance allocations, in accordance with paragraph (3) of this rule, for the control periods in 2021 and 2022.

(d) By June 1, 2019, and every other year thereafter, the Department shall submit to the Administrator, in a format prescribed by the Administrator, the NO<sub>x</sub> ozone season allowance allocations, in accordance with paragraph (3) of this rule, for the control periods in the two years that are four and five years after the year of the applicable deadline for submission under this paragraph.

(3) NO<sub>x</sub> Ozone Season Allowance Allocations.

(a) Definitions. For the purpose of this rule, the following definitions apply:

1. Baseline TR NO<sub>x</sub> Ozone Season Unit. A TR NO<sub>x</sub> ozone season unit that either:

(i) Commenced operation on or before May 1, 2014; or

(ii) Submitted a permit application to the Department that was affirmatively deemed complete by the Department in writing on or before May 1, 2014.

2. New TR NO<sub>x</sub> Ozone Season Unit. A TR NO<sub>x</sub> ozone season unit that does not meet the definition of a Baseline TR NO<sub>x</sub> ozone season unit as defined in subparagraph (3)(a)1. of this paragraph.

(b) Determination of Heat Input.

1. The heat input (in mmBtu) used for calculating TR NO<sub>x</sub> ozone season allowance allocations under subparagraph (2)(a) of this rule that are to be submitted to the Administrator by June 1, 2016, will be:

(i) For a Baseline TR NO<sub>x</sub> ozone season unit, the average of the three (or less, if applicable) highest amounts of the unit's heat input for the control periods, in which the unit operated, in 2010, 2011, 2012, 2013, and 2014; or

(ii) For a Baseline TR NO<sub>x</sub> ozone season unit that did not commence operation on or before May 1, 2014, but had submitted a permit application to the Department that was affirmatively deemed complete by the Department in writing on or before May 1, 2014, the expected actual ozone season heat input based on actual utilization data of similar sources.

(iii) For a New TR NO<sub>x</sub> ozone season unit, the expected actual ozone season heat input based on actual utilization data of similar sources.

2. The heat input (in mmBtu) used for calculating TR NO<sub>x</sub> ozone season allowance allocations under subparagraph (2)(b) of this rule that are to be submitted to the Administrator by June 1, 2017, will be:

(i) For a Baseline TR NO<sub>x</sub> ozone season unit, the average of the three (or less, if applicable) highest amounts of the unit's heat input for the control periods, in which the unit operated, in 2011, 2012, 2013, 2014, and 2015; or

(ii) For a Baseline TR NO<sub>x</sub> ozone season unit that did not commence operation on or before May 1, 2015, but had submitted a permit application to the Department that was affirmatively deemed complete by the Department in writing on or before May 1, 2014, the expected actual ozone season heat input based on actual utilization data of similar sources.

(iii) For a New TR NO<sub>x</sub> ozone season unit that commenced operation on or before May 1, 2015, the average of the three (or less, if applicable) highest amounts of the unit's heat input for the control periods, in which the unit operated in 2014 and 2015.

(iv) For a New TR NO<sub>x</sub> ozone season unit that did not commence operation on or before May 1, 2015, the expected actual ozone season heat input based on actual utilization data of similar sources.

3. The heat input (in mmBtu) used for calculating TR NO<sub>x</sub> ozone season allowance allocations under subparagraph (2)(c) of this rule that are to be submitted to the Administrator by June 1, 2018, will be:

(i) For a Baseline TR NO<sub>x</sub> ozone season unit, the average of the three (or less, if applicable) highest amounts of the unit's heat input for the control periods, in which the unit operated in 2012, 2013, 2014, 2015, and 2016.

(ii) For a New TR NO<sub>x</sub> ozone season unit that commenced operation on or before May 1 2016, the average of the three (or less, if applicable) highest amounts of the unit's heat input for the control periods, in which the unit operated in 2014, 2015, and 2016.

(iii) For a New TR NO<sub>x</sub> ozone season unit that did not commence operation on or before May 1, 2016, the expected actual ozone season heat input based on actual utilization data of similar sources.

4. The heat input (in mmBtu) used for calculating TR NO<sub>x</sub> ozone season allowance allocations under subparagraph (2)(d) of this rule that are to be submitted to the Administrator by June 1, 2019, and all subsequent allocation years will be:

(i) For a Baseline TR NO<sub>x</sub> ozone season unit, the average of the three (or less, if applicable) highest amounts of the unit's heat input for the control periods, in which the unit operated for the five most recent control periods available prior to the deadline submission year.

(ii) For a New TR NO<sub>x</sub> ozone season unit that commenced operation prior to May 1 of the most recent control period available prior to the submission year, the average of the three (or less, if applicable) highest amounts of the unit's heat input for the control periods, in which the unit operated, for the five most recent control periods available prior to the submission year; or

(iii) For a New TR NO<sub>x</sub> ozone season unit that did not commence operation prior to May 1 of the most recent control period available prior to the submission year, the expected actual ozone season heat input based on actual utilization data of similar sources.

5. The unit's total heat input for the control period in each year specified under subparagraph (b) of this paragraph will be determined in accordance with 40 CFR 75 if the TR NO<sub>x</sub> ozone season unit was otherwise subject to the requirements of 40 CFR 75 for the year, or will be based on the best available data reported to the Administrator and the Department for the unit if the unit was not otherwise subject to the requirements of 40 CFR 75 for the year.

(c) Establishment of Baseline and Retired Unit Allowance Pools. At the time Transport Rule (TR) ozone season NO<sub>x</sub> allowances are initially allocated to baseline TR NO<sub>x</sub> ozone season units under subparagraph (2)(a) of this rule, each unit's allocation will be permanently recorded as that unit's "Baseline Allowance". This value will be used to calculate the following:

1. Baseline Allowance Pool. The Baseline Allowance Pool shall be calculated each time TR NO<sub>x</sub> ozone season allowances are allocated under paragraph (2) of this rule and shall equal the State Ozone Season Trading Program Budget minus the total of the Baseline Allowances for all baseline TR NO<sub>x</sub> ozone season units that have retired in accordance with 335-3-8-.41.

2. Retired Unit Allowance Pool. The Retired Unit Allowance Pool shall be calculated each time TR NO<sub>x</sub> ozone season allowances are allocated under paragraph (2) of this rule and shall equal the sum of the Baseline Allowances for all TR NO<sub>x</sub> ozone season units that have retired in accordance with 335-3-8-.41.

(d) Adjustment Ratios. To ensure that the total number of TR NO<sub>x</sub> ozone season allowances allocated under paragraph (3) of this rule equals the number of tons of TR NO<sub>x</sub> ozone season emissions in the State trading program budget, the following ratios may be applied to the calculated TR NO<sub>x</sub> ozone season allowance allocations, as appropriate.

1. Baseline Adjustment Ratio. The Baseline Adjustment Ratio is the total number of TR NO<sub>x</sub> ozone season allowances in the Baseline Allowance Pool, divided by the total number of TR NO<sub>x</sub> ozone season allowances calculated for Baseline TR NO<sub>x</sub> ozone season units for a control period prior to any adjustments.

(e) Maximum Historic Emission Cap. The maximum historic emission cap is identified by using an 8 year historic emission period for each TR NO<sub>x</sub> ozone season unit. The last year of the 8 year period will be the same year as the last year used for determination of heat input under subparagraph (3)(b) of this paragraph. The maximum historic emission cap is the maximum NO<sub>x</sub> emissions (in tons) that occurred during any control period during the 8 year historic emission period. Data used for this purpose shall be obtained from the EPA Clean Air Markets Division (CAMD). An additional emission cap may be applied if a TR NO<sub>x</sub> ozone season unit has an enforcement action or permit limit in place. The 8 year historic emission values will update every two years to coincide with the allocation control period.

(f) Calculation of TR NO<sub>x</sub> Ozone Season Allowances for Baseline TR NO<sub>x</sub> Ozone Season Units.

1. For each control period under paragraph (2) of this rule, the Department will allocate TR NO<sub>x</sub> ozone season allowances from the Baseline Allowance Pool to all baseline TR NO<sub>x</sub> ozone season units in accordance with the following procedures:

(i) The Department will allocate TR NO<sub>x</sub> ozone season allowances to each TR NO<sub>x</sub> ozone season unit under 335-3-8-.40(1)(a) in an amount equaling the unit's share of the State's total 3 year average of heat input determined in accordance with subparagraph (b) of this paragraph, multiplied by the baseline allowance pool. If a TR NO<sub>x</sub> ozone season unit has an initial historic heat input based allocation that exceeds its maximum historic emission cap as defined in subparagraph (3)(e) of this paragraph, then its allocation will equal the maximum historic emission cap for that TR NO<sub>x</sub> ozone season unit.

(ii) Allocations remaining after the application of the maximum historic emission cap are reapportioned on the same basis to baseline TR NO<sub>x</sub> ozone season units whose historic heat input based allocation does not exceed its maximum historic emission cap, if applicable. These steps are repeated until the entire Baseline Allocation Pool is allocated. The resulting TR NO<sub>x</sub> ozone season allocation value is rounded to the nearest whole ton.

(g) Calculation of NO<sub>x</sub> Allowances for New TR NO<sub>x</sub> Ozone Season Units. For each control period under paragraph (2) of this rule, after calculating NO<sub>x</sub>

allowances for all baseline TR NO<sub>x</sub> ozone season units that have not retired in accordance with 335-3-8-.41, the Department will allocate NO<sub>x</sub> allowances in the Retired Unit Allowance Pool to all new TR NO<sub>x</sub> ozone season units, in accordance with the following procedures:

1. For each new TR NO<sub>x</sub> ozone season unit under 335-3-8-.40(1)(a), that commenced operation or submitted a permit application affirmatively deemed complete by the Department in writing on or before March 1 of the year allocations are to be submitted to the Administrator under paragraph (2) of this rule, the number of TR NO<sub>x</sub> ozone season allowances allocated for each applicable control period will be equal to the unit's share of the State's total 3 year average of heat input for all new TR NO<sub>x</sub> ozone season units, determined in accordance with subparagraph (b) of this paragraph multiplied by the Retired Unit Allowance Pool. If a new TR NO<sub>x</sub> ozone season unit has an initial historic heat input based allocation that exceeds its maximum historic emission cap as defined in subparagraph (3)(e) of this paragraph, then its allocation equals the maximum historic emission cap for that TR NO<sub>x</sub> ozone season unit .

2. Allocations remaining after application of the maximum historic emission cap are reapportioned on the same basis to new TR NO<sub>x</sub> ozone season units whose historic heat input based allocation does not exceed its maximum historic emission cap, if applicable. These steps are repeated until the entire Retired Unit Allowance Pool is allocated or until all new units receive allocations equal to its maximum historic emission cap. The resulting TR NO<sub>x</sub> allocation value is rounded to the nearest whole ton.

(h) Adjustment of Baseline NO<sub>x</sub> Allowance Allocations. If TR NO<sub>x</sub> ozone season allowances remain in the Retired Unit Allowance Pool after allocations are made to all new TR NO<sub>x</sub> ozone season units in accordance with subparagraph (g) of this paragraph, these NO<sub>x</sub> allowances will be allocated on a pro rata basis to the baseline TR NO<sub>x</sub> ozone season units where historic heat input based allocation does not exceed its maximum historic emission cap, for the applicable control periods.

(i) NO<sub>x</sub> allowances allocated to baseline TR NO<sub>x</sub> ozone season units based on heat inputs determined in accordance with subparagraph (b)1.(ii) or (b)2.(ii) of this paragraph will be held in the State's general account until the unit commences operation, prior to or during the control period for which NO<sub>x</sub> allowances were allocated. If the unit does not commence operations, the NO<sub>x</sub> allowances will be transferred by the Department pro rata to Baseline TR NO<sub>x</sub> ozone season units that were allocated NO<sub>x</sub> allowances in accordance with subparagraph (b)1.(i) or (b)2.(i) of this paragraph, and whose historic heat input based allocation does not exceed its maximum historic emission cap if applicable. By January 30 of the following year, the Department shall notify the Administrator of the appropriate NO<sub>x</sub> allowance transfers.

1. NO<sub>x</sub> allowances allocated to new TR NO<sub>x</sub> ozone season units based on heat inputs determined in accordance with subparagraphs (b)1.(iii), (b)2.(iv), (b)3.(iii), or (b)4.(iii) of this paragraph will be held in the State's general account



until the unit commences operation, prior to or during the control period for which NO<sub>x</sub> allowances were allocated. If the unit does not commence operations, the NO<sub>x</sub> allowances will be transferred by the Department pro rata to Baseline TR NO<sub>x</sub> ozone season units that were allocated NO<sub>x</sub> allowances in accordance with subparagraphs (b)1.(i) and (ii), (b)2.(i) and (ii), (b)3.(i), or (b)4.(i) of this paragraph, and whose historic heat input based allocation does not exceed its maximum historic emission cap if applicable. By January 30 of the following year, the Department shall notify the Administrator of the appropriate NO<sub>x</sub> allowance transfers.

2. NO<sub>x</sub> allowances will not be allocated to TR NO<sub>x</sub> ozone season units that retire under 335-3-8-.41 prior to the date NO<sub>x</sub> allowance allocations are submitted to the Administrator under subparagraphs (2)(a), (b), (c), or (d) of this rule.

3. The total NO<sub>x</sub> ozone season allowances allocated for any control period in accordance with subparagraphs (3)(f), and (g) of this paragraph shall not exceed the State Ozone Season Trading Program Budget as determined by the applicable, approved State Implementation Plan.

(j) Units Incorrectly Allocated TR NO<sub>x</sub> Ozone Season Allowances. The procedures for addressing units that were incorrectly allocated TR NO<sub>x</sub> Ozone Season allowances are incorporated by reference as they exist in 40 CFR §97.511(c), Subpart BBBB as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.47 Reserved.**

**335-3-8-.48 Authorization of Designated Representative and Alternate Designated Representative. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing the Authorization of Designated Representative and Alternate Designated Representative for TR NO<sub>x</sub> Ozone Season Sources, are incorporated by reference as they exist in 40 CFR §97.513, Subpart BBBBB as of July 1,

2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

### **335-3-8-.49 Responsibilities of Designated Representative and Alternate Designated Representative. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing the Responsibilities of Designated Representative and Alternate Designated Representative for TR NO<sub>x</sub> Ozone Season Sources, are incorporated by reference as they exist in 40 CFR §97.514, Subpart BBBBB as of July 1,

2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.50 Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source for TR NO<sub>x</sub> Ozone Season Sources, are incorporated by reference as they

exist in 40 CFR §97.515, Subpart BBBBBB as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

### **335-3-8-.51 Certificate of Representation. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Certificate of Representation for TR NO<sub>x</sub> Ozone Season Sources, are incorporated by reference as they exist in 40 CFR §97.516, Subpart BBBBBB as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.52 Objections Concerning Designated Representative and Alternate Designated Representative. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Objections Concerning Designated Representative and Alternate Designated Representative, are incorporated by reference as they exist in 40 CFR §97.517, Subpart BBBBBB as of July 1, 2015. (The materials incorporated

by reference are available for purchase and inspection at the Department's offices.)

(2) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-8-.52 substitute:

(a) Only in 40 CFR §97.517(c) substitute "Neither the Administrator nor the Department shall" for "The Administrator will not."

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

### **335-3-8-.53 Delegation by Designated Representative and Alternate Designated Representative. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Delegation by Designated Representative and Alternate Designated Representative, are incorporated by reference as they exist in 40 CFR §97.518,

Subpart BBBBB as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.



**335-3-8-.55 Establishment of Compliance Accounts, Assurance Accounts, and General Accounts. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Establishment of Compliance Accounts, Assurance Accounts, and General Accounts, are incorporated by reference as they exist in 40 CFR

§97.520, Subpart BBBBB as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

(2) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-8-.55 substitute:

(a) Only in 40 CFR §97.520(c)(4)(iii) substitute "Neither the Administrator nor the Department shall" for "The Administrator will not."

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

### **335-3-8-.56 Recordation of TR NO<sub>x</sub> Ozone Season Allowance Allocations and Auction Results. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Recordation of TR NO<sub>x</sub> Ozone Season Allowance Allocations and Auction Results, are incorporated by reference as they exist in 40 CFR §97.521, Subpart BBBBB as of July 1, 2015, except for the provisions found in 40 CFR

§§97.521(a), (b), (g), (h), and (i). (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

### **335-3-8-.57 Submission of TR NO<sub>x</sub> Ozone Season Allowance Transfers.**

#### **[NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Submission of TR NO<sub>x</sub> Ozone Season Allowance Transfers, are incorporated by reference as they exist in 40 CFR §97.522, Subpart BBBBB as

of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

### **335-3-8-.58 Recordation of TR NO<sub>x</sub> Ozone Season Allowance Transfers.**

#### **[NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Recordation of TR NO<sub>x</sub> Ozone Season Allowance Transfers, are incorporated by reference as they exist in 40 CFR §97.523, Subpart BBBB as

of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.59 Compliance with TR NO<sub>x</sub> Ozone Season Emissions Limitation.**  
**[NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Compliance with TR NO<sub>x</sub> Ozone Season Emissions Limitation, are incorporated by reference as they exist in 40 CFR §97.524, Subpart BBBBB as

of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.60 Compliance with TR NO<sub>x</sub> Ozone Season Assurance Provisions.**  
**[NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Compliance with TR NO<sub>x</sub> Ozone Season Assurance Provisions, are incorporated by reference as they exist in 40 CFR §97.525, Subpart BBBBB as

of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

### **335-3-8-.61 Banking. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Banking for TR NO<sub>x</sub> Ozone Season Allowance, are incorporated by reference as they exist in 40 CFR §97.526, Subpart AAAAA as of July 1, 2015.

(The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

(2) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-8-.61 substitute:

(a) Adem Administrative Code r. 335-3-8-.46(3)(j) for 40 CFR §97.511(c).

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.62 TR NO<sub>x</sub> Ozone Season Trading Program – Account Error. [NEW RULE]**



(1) General. The Environmental Protection Agency Regulations governing Account Error, are incorporated by reference as they exist in 40 CFR §97.527, Subpart BBBB as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

(1) General. The Environmental Protection Agency Regulations governing Administrator's Action on Submissions, are incorporated by reference as they exist in 40 CFR §97.528, Subpart BBBB as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.65 General Monitoring, Recordkeeping, and Reporting Requirements.. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing General Monitoring, Recordkeeping, and Reporting Requirements, are incorporated by reference as they exist in 40 CFR §97.530, Subpart BBBB as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

(2) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-8-.65 substitute:

(a) Adem Administrative Code r. 335-3-8-.41 for 40 CFR §97.505.

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.66 Initial Monitoring System Certification and Recertification Procedures. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Initial Monitoring System Certification and Recertification Procedures, are incorporated by reference as they exist in 40 CFR §97.531, Subpart BBBBBB as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

2) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-8-.66 substitute:

(a) In §97.531(d)(3)(i) insert “, the Department” after “Office.”

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.67 Monitoring System Out-of-Control Periods. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Monitoring System Out-of-Control Periods, are incorporated by reference as they exist in 40 CFR §97.532, Subpart BBBB as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.68 Notifications Concerning Monitoring. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Notifications Concerning Monitoring, are incorporated by reference as they exist in 40 CFR §97.533, Subpart BBBB as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.69 Recordkeeping and Reporting. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Recordkeeping and Reporting, are incorporated by reference as they exist in 40 CFR §97.534, Subpart BBBBBB as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)



**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

**335-3-8-.70 Petitions for Alternatives to Monitoring, Recordkeeping, or Reporting Requirements. [NEW RULE]**

(1) General. The Environmental Protection Agency Regulations governing Petitions for Alternatives to Monitoring, Recordkeeping, or Reporting Requirements, are incorporated by reference as they exist in 40 CFR §97.535.

Subpart BBBB as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: XXXXXX, 2016.

### **335-3-10-.01 General.**

(1) The Environmental Protection Agency Regulations, and the Appendices applicable thereto, governing Standards of Performance for New Stationary Sources (40 CFR 60 and Appendices) designated in rules 335-3-10-.02 and -.03 are incorporated by reference as they exist in 40 CFR 60 (July 1, ~~2012~~[2015](#)), ~~77 FR 44488 [07/30/2012; amendments to Appendix A], and 77 FR 48433 [08/14/2012; amendments to Subpart A, addition of Subpart Ga], and 77 FR 49490 [08/16/2012; amendments to Subparts A, KKK, and LLL, addition of Subpart OOOO], 77 FR 56422 [09/12/2012; amendments to Subparts A, J, and Ja], 78 FR 6674 [01/30/2013; amendments to Subparts A, IIII, and JJJJ], 78 FR 9112 [02/07/2013; amendments to Subpart CCCC], and 78 FR 10006 [02/12/2013; amendments to Subpart F],~~ as amended by the word or phrase substitutions given in rule 335-3-10-.04. References for specific documents containing the complete text of subject regulations are given in Appendix C to these Regulations. Authorities which are not delegable to the state are also listed in Appendix C.

**[NOTE: The standards pertaining to the Consolidated Federal Air rule are located in chapter 335-3-11A.]**

(a) The materials incorporated by reference are available for purchase and inspection at the Department's offices at 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

(2) The emission standards in this chapter shall supercede the emission standards in chapters 335-3-3, -4, -5, -6, -7, and -8 if both of the following criteria are met:

(a) the source category is subject to the regulations in this chapter for the specific pollutants to which an emission standard under this chapter applies, and

(b) the emission standard under chapters 335-3-3, -4, -5, -6, -7, and -8 is more stringent than the emission standard in this chapter for the specific pollutants regulated.

(3) Definitions. For purposes of this chapter, the definitions listed in 40 CFR §60.2 will apply.

**Author:**

**Statutory Authority:** Code of Alabama 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8, and 41-22-9.

**History:** Effective Date: May 25, 1976.

**Amended:** February 13, 1985; June 9, 1987; June 16, 1988; September 21, 1989; November 1, 1990; March 28, 1991; July 31, 1991; September 19, 1991; October 24, 1991; December 28, 1993; April 27, 1995; November 21, 1996; September 25, 1997; March 27, 1998; July 15, 1999;

January 13, 2000; September 7, 2000; March 14, 2002; October 3, 2002;  
April 3, 2003; October 2, 2003; March 22, 2005; December 12, 2005;  
July 11, 2006; April 3, 2007; January 22, 2008; August 5, 2008;  
January 19, 2009; March 30, 2010; May 23, 2011; May 29, 2012; January 22,  
2013; May 28, 2013; September 24, 2013-: [XXXXXX, 2015.](#)

### **335-3-10-.02 Designated Standards of Performance.**

(1) Subpart A - General Provisions.

(2) Subpart D - Fossil Fuel-Fired Steam Generators for which construction is commenced after August 17, 1971.

(a) Subpart Da - Electric Utility Steam Generating Units for which construction is commenced after September 18, 1978.

(b) Subpart Db - Industrial-Commercial-Institutional Steam Generating Units.

(c) Subpart Dc - Small Industrial-Commercial-Institutional Steam Generating Units.

(3) Subpart E - Incinerators.

(a) Subpart Ea - Municipal Waste Combustors for which construction is commenced after December 20, 1989 and on or before September 20, 1994.

(b) Subpart Eb - Municipal Waste Combustors for which construction is commenced after September 20, 1994.

(c) Subpart Ec - Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for which construction is commenced after June 20, 1996.

(4) Subpart F - Portland Cement Plants.

(5) Subpart G - Nitric Acid Plants.

(a) Subpart Ga - Nitric Acid Plants for which Construction, Reconstruction, or Modification Commenced After October 14, 2011.

(6) Subpart H - Sulfuric Acid Plants.

(7) Subpart I - Hot Mix Asphalt Facilities.

(8) Subpart J - Petroleum Refineries.

(a) Subpart Ja - Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After May 14, 2007.

(9) Subpart K - Storage Vessels for Petroleum Liquids constructed after June 11, 1973 and prior to May 19, 1978.

(a) Subpart Ka - Storage Vessels for Petroleum Liquids constructed after May 18, 1978.

(b) Subpart Kb - Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced after July 12, 1984.

(10) Reserved.

(11) Reserved.

(12) Subpart L - Secondary Lead Smelters.

(13) Subpart M - Secondary Brass and Bronze Ingot Production Plants.

(14) Subpart N - Primary Emissions from Basic Oxygen Process Furnaces for which construction is commenced after June 11, 1973.

(a) Subpart Na - Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for which construction is commenced after January 20, 1983.

(15) Subpart O - Sewage Treatment Plants.

(16) Subpart P - Primary Copper Smelters.

(17) Subpart Q - Primary Zinc Smelters.

(18) Subpart R - Primary Lead Smelters.

(19) Subpart S - Primary Aluminum Reduction Plants.

(20) Subpart T - Wet Process Phosphoric Acid Plants.

(21) Subpart U - Superphosphoric Acid Plants.

(22) Subpart V - Diammonium Phosphate Plants.

(23) Subpart W - Triple Superphosphate Plants.

(24) Subpart X - Granular Triple Superphosphate Storage Facilities.

(25) Subpart Y - Coal Preparation Plants.

(26) Subpart Z - Ferroalloy Production Facilities.

(27) Subpart AA - Steel Plants (Electric arc furnaces and dust-handling equipment).

(a) Subpart AAa - Steel Plants: Electric Arc Furnaces and Argon Oxygen-Decarburization Vessels.

(28) Subpart BB - Kraft Pulp Mills.

(a) Subpart BBa – Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013.

(29) Subpart CC - Standards of Performance for Glass Manufacturing Plants.

(30) Subpart DD - Grain Elevators.

(31) Subpart EE - Surface Coating of Metal Furniture.

(32) Subpart FF - Reserved.

(33) Subpart GG - Stationary Gas Turbines.

(34) Subpart HH - Lime Manufacturing Plants.

(35) Subpart II - Reserved.

(36) Subpart JJ - Reserved.

(37) Subpart KK - Lead-Acid Battery Manufacture.

(38) Subpart LL - Metallic Mineral Processing Plants.

(39) Subpart MM - Automobile and Light-Duty Truck Surface Coating Operations.

(40) Subpart NN - Phosphate Rock Plants.

(41) Subpart OO - Reserved.

(42) Subpart PP - Ammonium Sulfate Manufacturing.

(43) Subpart QQ - Graphic Arts Industry: Publication Rotogravure Printing.

(44) Subpart RR - Pressure Sensitive Tape and Label Surface Coating Industry.

(45) Subpart SS - Industrial Surface Coating - Large Appliances.

(46) Subpart TT - Metal Coil Surface Coating Operations.

(47) Subpart UU - Asphalt Processing and Asphalt Roofing Manufacture.

(48) Subpart VV - Equipment Leaks of VOC in the Synthetic Organic Chemical Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006.

(a) Subpart VVa – Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After November 7, 2006.

(49) Subpart WW - Beverage Can Surface Coating Industry.

(50) Subpart XX - Bulk Gasoline Terminals.

(51) Subpart YY - Reserved.

(52) Subpart ZZ - Reserved.

(53) Subpart AAA - Reserved.

(54) Subpart BBB - Rubber Tire Manufacturing Industry.

(55) Subpart CCC - Reserved.

(56) Subpart DDD - Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.

(57) Subpart EEE - Reserved.

(58) Subpart FFF - Flexible Vinyl and Urethane Coating and Printing.

(59) Subpart GGG - Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006.

(a) Subpart GGGa – Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After November 7, 2006.

(60) Subpart HHH - Synthetic Fiber Production Facilities.

(61) Subpart III - VOC Emissions from SOCM I Air Oxidation Unit Processes.

(62) Subpart JJJ - Petroleum Dry Cleaners.

(63) Subpart KKK - Equipment Leaks of VOC from Onshore Natural Gas Processing Plants for which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011.

(64) Subpart LLL - Standards of Performance for Onshore Natural Gas Processing for which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011: SO<sub>2</sub> Emissions.

(65) Subpart MMM - Reserved.

(66) Subpart NNN - VOC Emissions from SOCM I Distillation Operations.



- (67) Subpart OOO - Nonmetallic Mineral Processing Plants.
- (68) Subpart PPP - Wool Fiberglass Insulation Manufacturing Plants.
- (69) Subpart QQQ - VOC Emissions from Petroleum Refinery Wastewater Systems.
- (70) Subpart RRR - Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry Reactor Processes.
- (71) Subpart SSS - Magnetic Tape Manufacturing Industry.
- (72) Subpart TTT - Industrial Surface Coating; Plastic Parts for Business Machines.
- (73) Subpart UUU - Calciners and Dryers in Mineral Industries.
- (74) Subpart VVV - Polymeric Coating of Supporting Substrates.
- (75) Subpart WWW - Municipal Waste Landfills.
- (76) Subpart XXX - Reserved.
- (77) Subpart YYY - Reserved.
- (78) Subpart ZZZ - Reserved.
- (79) Subpart AAAA – Small Municipal Waste Combustion Units for which construction is commenced after August 30, 1999 or for which modification or reconstruction is commenced After June 6, 2001.
- (80) Subpart BBBB - Reserved.
- (81) Subpart CCCC - Commercial and Industrial Solid Waste Incineration Units for which construction is commenced after June 4, 2010 or for which modification or reconstruction is commenced on or after August 7, 2013.
- (82) Subpart DDDD – Reserved.
- (83) Subpart EEEE – Reserved.
- (84) Subpart FFFF – Reserved.
- (85) Subpart GGGG – Reserved.
- (86) Subpart HHHH – Reserved.
- (87) Subpart IIII – Stationary Compression Ignition Internal Combustion Engines.

(88) Subpart JJJJ – Stationary Spark Ignition Internal Combustion Engines.

(89) Subpart KKKK – Stationary Combustion Turbines.

(90) Subpart LLLL – New Sewage Sludge Incineration Units.

(91) Subpart OOOO – Crude Oil and Natural Gas Production, Transmission and Distribution.

**Author:**

**Statutory Authority:** Code of Alabama 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8, and 41-22-9.

**History:** Effective Date: May 25, 1976.

**Amended:** June 23, 1981; February 13, 1985; April 15, 1987; June 16, 1988; September 21, 1989; November 1, 1990; March 28, 1991; July 31, 1991; September 19, 1991; October 24, 1991; December 28, 1993; April 27, 1995; November 21, 1996; September 25, 1997; March 27, 1998; July 15, 1999; January 13, 2000; September 7, 2000; March 14, 2002; October 3, 2002; April 3, 2003; October 2, 2003; March 22, 2005; December 12, 2005; July 11, 2006; November 14, 2006; April 3, 2007; January 22, 2008; August 5, 2008; January 19, 2009; March 30, 2010; May 23, 2011; May 29, 2012; January 22, 2013; May 28, 2013; September 24, 2013; ~~XXXXXX~~, [2015](#).

**335-3-10-.03 Appendices to 40 CFR 60.**

- (1) Appendix A - Reference Method.
- (2) Appendix B - Performance Specifications.
- (3) Appendix F - Quality Assurance Procedures.

**Author:** Robert Cowne.

**Statutory Authority:** Code of Alabama 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8, and 41-22-9.

**History:** Effective Date: June 16, 1988.

**Amended:** November 1, 1990; March 28, 1991; July 31, 1991; September 19, 1991; October 24, 1991; December 28, 1993; November 21, 1996; March 27, 1998; January 13, 2000; September 7, 2000; March 14, 2002; October 3, 2002; March 22, 2005; November 14, 2006; April 3, 2007; January 22, 2008; January 19, 2009; March 30, 2010, May 23, 2011; May 28, 2013; ~~XXXXXX~~, [2015](#).

### **335-3-11-.01 General.**

(1) The Environmental Protection Agency Regulations, and the Appendices applicable thereto, governing Hazardous Air Pollutants, 40 CFR, Part 61 and Appendices, designated in rules 335-3-11-.02 and 335-3-11-.03 and 40 CFR Part 63, and Appendices designated in rules 335-3-11-.06 and 335-3-11-.07 are incorporated by reference as they exist in 40 CFR 61 (~~2007~~[2015](#)) and 40 CFR 63 (July 1, ~~2012~~[2015](#)), ~~and 77 FR 49490 [08/16/2012; amendments to Subparts A, HH, and HHH], and 77 FR 55698 [09/11/2012; amendments to Subparts A and S], 77 FR 58220 [09/19/2012; amendments to Subparts N and CCC, and Appendix A], 78 FR 6674 [01/30/2013; amendments to Subparts A and ZZZZ], 78 FR 7138 [01/31/2013; amendments to Subpart A, and addition of Subpart DDDDD], 78 FR 10006 [02/12/2013; amendments to Subpart LLL], and 78 FR 14457 [03/06/2013; amendments to Subpart ZZZZ],~~ as amended by the word or phrase substitutions given in rule 335-3-11-.04. References for specific documents containing the complete text of subject regulations are given in Appendix C to these Regulations. Authorities which are not delegable to the state are also listed in Appendix C.

**[NOTE: The standards pertaining to the Consolidated Federal Air rule are located in chapter 335-3-11A.]**

(a) The materials incorporated by reference are available for purchase and inspection at the Department's offices at 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

(2) In the event of any conflict between the regulations contained in this chapter and regulations contained in other chapters, the more stringent regulations will take precedence.

(3) Definitions. For purposes of this chapter, the definitions listed in 40 CFR 61.02, Subpart A will apply in rules 335-3-11-.02 and 335-3-11-.03 and the definitions listed in 40 CFR 63.2, Subpart A will apply in rules 335-3-11-.06 and 335-3-11-.07.

**Author:**

**Statutory Authority:** Code of Alabama 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8, and 41-22-9.

**History:** Effective Date: May 25, 1976.

**Amended:** February 13, 1985; June 9, 1987; June 16, 1988; November 1, 1990; March 28, 1991; July 31, 1991; September 19, 1991; October 30, 1992; December 28, 1993; November 23, 1995; November 21, 1996; September 25, 1997; March 27, 1998; November 19, 1998; July 15, 1999; January 13, 2000; September 7, 2000; March 14, 2002; October 3, 2002; April 3, 2003; October 2, 2003; March 22, 2005; December 12, 2005; July 11, 2006; April 3, 2007; January 22, 2008; August 5, 2008; January 19, 2009; March 30, 2010; May 23, 2011; May 29, 2012; January 22, 2013; May, 28, 2013; September 24, 2013-: ~~XXXXXX~~, [2015](#).

**335-3-11-.02 Designated Emission Standards.**

- (1) Subpart A – General Provisions.
- (2) Subpart C - Beryllium.
- (3) Subpart D - Beryllium Rocket Motor Firing.
- (4) Subpart E - Mercury.
- (5) Subpart F - Vinyl Chloride.
- (6) Reserved.
- (7) Reserved.
- (8) Reserved.
- (9) Subpart J - Benzene Equipment Leaks.
- (10) Reserved.
- (11) Subpart L - Benzene Emissions from Coke By-Product Recovery Plants.
- (12) Subpart M - Asbestos.
- (13) Subpart N - Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants.
- (14) Subpart O - Standard for Inorganic Arsenic Emissions from Primary Copper Smelters.
- (15) Subpart P - Standard for Inorganic Arsenic Emission from Arsenic Trioxide and Metallic Arsenic Production Facilities.
- (16) Reserved.
- (17) Reserved.
- (18) Reserved.
- (19) Reserved.
- (20) Reserved.
- (21) Subpart V - Equipment Leaks (Fugitive Emission Sources).

- (22) Reserved.
- (23) Reserved.
- (24) Subpart Y - Benzene Emissions from Benzene Storage Vessels.
- (25) Reserved.
- (26) Reserved.
- (27) Subpart BB - Benzene Emissions from Benzene Transfer Operations.
- (28) Reserved.
- (29) Reserved.
- (30) Reserved.
- (31) Subpart FF - Benzene Emissions from Benzene Waste Operations.

**Author:**

**Statutory Authority:** Code of Alabama 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8, and 41-22-9.

**History:** Effective Date: May 25, 1976.

**Amended:** June 23, 1981; February 13, 1985; June 9, 1987; November 1, 1990; March 28, 1991; July 31, 1991; September 19, 1991; October 30, 1992; December 28, 1993; January 13, 2000; March 14, 2002; October 2, 2003; March 22, 2005; December 12, 2005; January 22, 2008-: ~~XXXXXX~~, [2015](#).

**335-3-11-.03 Appendices to 40 CFR 61.**

(1) Appendix B - Test Methods.

**Author:** Robert W. Cowne.

**Statutory Authority:** Code of Alabama 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8, and 41-22-9.

**History:** Effective Date: June 16, 1988

**Amended:** March 28, 1991; November 21, 1996; March 14, 2002; ~~XXXXXX~~,  
[2015](#).

**335-3-11-.06 National Emission Standards for Hazardous Air Pollutants for Source Categories.**

(1) Subpart A – General Provisions.

(2) Subpart B - Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j).

**[NOTE: The requirements for implementation of §112(g) are found in rule 335-3-14-.06]**

(3) Subpart D - Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants.

(4) Reserved.

(5) Subpart F - National Emission Standards for Hazardous Air Pollutants From Synthetic Organic Chemical Manufacturing Industry.

(6) Subpart G - National Emission Standards for Organic Hazardous Air Pollutants From Synthetic Organic Chemical Manufacturing Industry Process Vents, Storage Vessels, Transfer Operations, and Wastewater.

(7) Subpart H - National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.

(8) Subpart I - National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.

(9) Reserved.

(10) Reserved.

(11) Subpart L - National Emission Standards for Coke Oven Batteries.

(12) Subpart M - National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.

(13) Subpart N - National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

(14) Subpart O - Ethylene Oxide Emissions Standards for Sterilization Facilities.

(15) Reserved.

(16) Subpart Q - National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.



(17) Subpart R - National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).

(18) Subpart S - National Emission Standards for Hazardous Air Pollutants for Pulp and Paper Production.

(19) Subpart T - National Emission Standards for Halogenated Solvent Cleaning.

(20) Subpart U - National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.

(21) Reserved.

(22) Subpart W - National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production.

(23) Subpart X - National Emission Standards from Secondary Lead Smelting.

(24) Subpart Y - National Emission Standards for Marine Tank Vessel Loading Operations [with the exceptions of those subsections referencing the Valdez Marine Terminal (VMT) in Alaska].

(25) Reserved.

(26) Subpart AA - National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants.

(27) Subpart BB - National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants.

(28) Subpart CC - National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.

(29) Subpart DD - National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.

(30) Subpart EE - National Emission Standards for Magnetic Tape Manufacturing Operations.

(31) Reserved.

(32) Subpart GG - National Emission Standards for Aerospace Manufacturing and Rework Facilities.

(33) Subpart HH - National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities.

(34) Subpart II - National Emission Standards for Shipbuilding and Ship Repair (Surface Coating) Operations.

(35) Subpart JJ - National Emission Standards for Wood Furniture Manufacturing Operations.

(36) Subpart KK - National Emission Standards for the Printing and Publishing Industry.

(37) Reserved.

(38) Subpart MM – National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mills.

(39) Reserved.

(40) Subpart OO - National Emission Standards for Tanks - Level 1.

(41) Subpart PP - National Emission Standards for Containers.

(42) Subpart QQ - National Emission Standards for Surface Impoundments.

(43) Subpart RR - National Emission Standards for Individual Drain Systems.

(44) Subpart SS – National Emission Standards Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.

(45) Subpart TT – National Emission Standards for Equipment Leaks – Control Level 1.

(46) Subpart UU – National Emission Standards for Equipment Leaks – Control Level 2 Standards.

(47) Subpart VV National Emission Standards for Oil-Water Separators and Organic-Water Separators.

(48) Subpart WW – National Emission Standards for Storage Vessels (Tanks) – Control Level 2.

(49) Subpart XX – National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.

(50) Subpart YY – National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards.

(51) Reserved.

(52) Reserved.

(53) Reserved.

(54) Subpart CCC – National Emission Standards for Hazardous Air Pollutants for Steel Pickling – HCl Process Facilities and Hydrochloric Acid Regeneration Plants.

(55) Subpart DDD – National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.

(56) Subpart EEE - National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors.

(57) Reserved.

(58) Subpart GGG - National Emission Standards for Hazardous Air Pollutants for Source Categories: Pharmaceuticals Production.

(59) Subpart HHH – National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities.

(60) Subpart III - National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.

(61) Subpart JJJ - National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins.

(62) Reserved.

(63) Subpart LLL - National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry.

(64) Subpart MMM – National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.

(65) Subpart NNN – National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.

(66) Subpart OOO – National Emission Standards for Hazardous Air Pollutants for Amino/Phenolic Resins Production.

(67) Subpart PPP – National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production.

(68) Reserved.

(69) Subpart RRR – National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.

(70) Reserved.

(71) Reserved.

(72) Subpart UUU – National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.

(73) Subpart VVV – National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works.

(74) Reserved.

(75) Subpart XXX – National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese.

(76) Reserved.

(77) Reserved.

(78) Subpart AAAA – National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills.

(79) Reserved.

(80) Subpart CCCC – National Emission Standards for Hazardous Air Pollutants: Nutritional Yeast.

(81) Subpart DDDD – National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products.

(82) Subpart EEEE – National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline).

(83) Subpart FFFF – National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing.

(84) Subpart GGGG – National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production.

(85) Subpart HHHH – National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production.

(86) Subpart IIII – National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks.

(87) Subpart JJJJ – National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating.

(88) Subpart KKKK – National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans.

(89) Reserved.

(90) Subpart MMMM – National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.

(91) Subpart NNNN – National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances.

(92) Subpart OOOO – National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles.

(93) Subpart PPPP – National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products.

(94) Subpart QQQQ – National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products.

(95) Subpart RRRR – National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture.

(96) Subpart SSSS – National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil.

(97) Reserved.

(98) Reserved.

(99) Subpart VVVV – National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing.

(100) Subpart WWWW – National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production.

(101) Subpart XXXX – National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing.

(102) Subpart YYYY – National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.

(103) Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (major source provisions only).

(104) Subpart AAAAA – National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.

(105) Subpart BBBB – National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing.

(106) Subpart CCCCC – National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks.

(107) Subpart DDDDD – National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters.

(108) Subpart EEEEE – National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries.

(109) Subpart FFFFF – National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities.

(110) Subpart GGGGG – National Emission Standards for Hazardous Air Pollutants: Site Remediation.

(111) Subpart HHHHH – National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing.

(112) Subpart IIIII – National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants.

(113) Reserved.

(114) Reserved.

(115) Subpart LLLLL – National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing.

(116) Reserved.

(117) Subpart NNNNN – National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production.

(118) Reserved.

(119) Subpart PPPPP – National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards.

(120) Subpart QQQQQ – National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities

(121) Subpart RRRRR – National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing.

(122) Reserved.

(123) Subpart TTTTT – National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining.

(124) Subpart UUUUU– National Emission Standards for Hazardous Air Pollutants for Coal- and Oil-Fired Electric Utility Steam Generating Units.

(125) Reserved.

(126) Reserved.

(127) Reserved.

(128) Subpart YYYYYY– National Emission Standards for Hazardous Air Pollutants for Electric arc Furnace Steelmaking Facilities Area Sources .

(129) Subpart ZZZZZZ – National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.

(130) Reserved.

(131) Reserved.

(132) Reserved.

(133) Subpart DDDDDD – National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources.

(134) Subpart EEEEEEE – National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources.

(135) Subpart FFFFFFFF – National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources.

(136) Subpart GGGGGG – National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources – Zinc, Cadmium, and Beryllium.

(137) Reserved.

(138) Reserved.

(139) Reserved.

(140) Reserved.

(141) Subpart LLLLLL – National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources.

(142) Subpart MMMMMM – National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources.

(143) Reserved.

(144) Reserved.

(145) Reserved.

(146) Subpart QQQQQQ – National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources.

(147) Reserved.

(148) Reserved.

(149) Subpart TTTTTT– National Emission Standards for Hazardous Air Pollutants for Secondary nonferrous Metals Processing Area Sources–.

(150) Reserved.

(151) [Subpart VVVVVV– National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources.](#)~~Reserved.~~

(152) Reserved.

(153) Reserved.

(154) Subpart YYYYYY– National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production Facilities Area Sources .

(155) Subpart ZZZZZZ – National Emission Standards for Hazardous Air Pollutants for Aluminum, Copper, and Other Nonferrous Foundries Area Sources.

(156) Subpart AAAAAAA – National Emission Standards for Hazardous Air Pollutants for Asphalt Processing and Asphalt Roofing Manufacturing Area Sources

(157) Reserved.

(158) Subpart CCCCCC – National Emission Standards for Hazardous Air Pollutants for Paints and Allied Products Manufacturing Area Sources.

(159) Subpart DDDDDDD – National Emission Standards for Hazardous Air Pollutants for Prepared Feeds Manufacturing Area Sources.

(160) Reserved.

(161) Reserved.

(162) Reserved.

(163) Subpart HHHHHHH – National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl Chloride and Copolymers Production.

**Author:** Richard E. Grusnick.

**Statutory Authority:** Code of Alabama 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8, and 41-22-9.

**History:** Effective Date: November 23, 1995.

**Amended:** November 21, 1996; September 25, 1997; March 27, 1998; November 19, 1998; July 15, 1999; January 13, 2000; September 7, 2000; March 14, 2002; October 3, 2002; April 3, 2003; October 2, 2003;



March 22, 2005; December 12, 2005; July 11, 2006; April 3, 2007;  
January 22, 2008; August 5, 2008; January 19, 2009; March 30, 2010;  
May 23, 2011; May 29, 2012; January 22, 2013; May 28, 2013; September 24,  
2013-; [XXXXXX, 2015.](#)

**335-3-11-.07 Appendices to 40 CFR 63.**

- (1) Appendix A - Test Methods.
- (2) Appendix B - Sources Defined for Early Reduction Provisions.
- (3) Appendix C - Determination of the Fraction Biodegraded ( $F_{\text{bio}}$ ) in a Biological Treatment Unit.
- (4) Appendix D - Alternative Validation Procedure for EPA Waste and Wastewater Methods.
- (5) Appendix E – Monitoring Procedure for Nonthoroughly Mixed Open Biological Treatment System Systems at Kraft Pulp Mills Under Unsafe Sampling Conditions.

**Author:** Richard E. Grusnick.

**Statutory Authority:** Code of Alabama 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8, and 41-22-9.

**History:** Effective Date: November 23, 1995.

**Amended:** November 21, 1996; September 25, 1997; November 19, 1998; July 15, 1999; January 13, 2000; March 14, 2002; March 30, 2010; May 23, 2011; May 28, 2013; ~~XXXXXX~~, [2015](#).

### **335-3-11A-.01 General.**

(1) The Environmental Protection Agency Regulations designated in rule 335-3-11A-.02 are incorporated by reference as they exist in 40 CFR 65 (20072015), ~~72 FR 48938 [08/27/07; amendments to Subpart A] and 72 FR 73625 [12/28/07; amendments to Subpart A]~~, as amended by the word or phrase substitutions given in rule 335-3-11A-.03, except for the provisions found in 65.14, which are excluded. References for specific documents containing the complete text of subject regulations are given in Appendix C to these Regulations. Authorities that are not delegable to the state are also listed in Appendix C.

(a) The materials incorporated by reference are available for purchase and inspection at the Department's offices at 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

(2) In the event of any conflict between the regulations contained in this chapter and regulations contained in other chapters, the more stringent regulations will take precedence.

(3) Definitions. For purposes of this chapter, the definitions listed in 40 CFR 65.2, Subpart A will apply in rule 335-3-11A-.02.

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8, and 41-22-9.

**History:** Effective Date: March 14, 2002.

**Amended:** October 2, 2003; August 5, 2008-; XXXXXX, 2015.

**335-3-11A-.02 Designated Emission Standards.**

- (1) Subpart A – General Provisions.
- (2) Subpart B – Reserved.
- (3) Subpart C – Storage Vessels.
- (4) Subpart D – Process Vents.
- (5) Subpart E – Transfer Racks.
- (6) Subpart F – Equipment Leaks.
- (7) Subpart G – Closed Vent Systems, Control Devices, and Routing to a Fuel Gas System or a Process.

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8, and 41-22-9.

**History:** Effective Date: March 14, 2002.

**Amended:** August 5, 2008.—; [XXXXXX, 2015.](#)

## **APPENDIX C**

### **Environmental Protection Agency Regulations Reference Documents**

#### **Cross Referenced to ADEM Rules and Regulations**

#### **New Source Performance Standards National Emission Standards For Hazardous Air Pollutants**

The complete text of all finalized EPA regulations incorporated into these regulations is located in the documents listed below. Amendments, revisions, or clarifications of EPA regulations which have been codified in the CFR, as well as of finalized regulations which have not yet been codified, are not included in this listing and interested parties are advised to consult the Federal Register for such amendments or revisions. The exceptions listed below are identified by EPA as nondelegable to the States.

<b>ADEM Chapter 335-3-10</b>	<b>40 CFR Part 60</b>	<b>Exceptions</b>
335-3-10-.02(1) Subpart A	Subpart A	§60.8(b)(2) §60.8(b)(3) §60.11(e)(7) §60.11(e)(8) §60.13(g) §60.13(i) §60.13(j)(2)
335-3-10-.02(2)Subpart D	Subpart D	
335-3-10-.02(2)(a) Subpart Da	Subpart Da	§60.45a
335-3-10-.02(2)(b) Subpart Db	Subpart Db	§60.44b(f) §60.44b(g) §60.49b(a)(4)
335-3-10-.02(2)(c) Subpart Dc	Subpart Dc	§60.48c(a)(4)
335-3-10-.02(3) Subpart E	Subpart E	
335-3-10-.02(3)(a) Subpart Ea	Subpart Ea	
335-3-10-.02(3)(b) Subpart Eb	Subpart Eb	
335-3-10-.02(3)(c) Subpart Ec	Subpart Ec	§60.50c(i)
335-3-10-.02(4) Subpart F	Subpart F	§60.66

<b>ADEM Chapter 335-3-10</b>	<b>40 CFR Part 60</b>	<b>Exceptions</b>
335-3-10-.02(5) Subpart G	Subpart G	
335-3-10-.02(5)(a) Subpart Ga	Subpart Ga	
335-3-10-.02(6) Subpart H	Subpart H	
335-3-10-.02(7) Subpart I	Subpart I	
335-3-10-.02(8) Subpart J	Subpart J	§60.105(a)(13)(iii) §60.106(i)(12)
335-3-10-.02(8) (a) Subpart Ja	Subpart Ja	§60.109b
335-3-10-.02(9) Subpart K	Subpart K	
335-3-10-.02(9)(a) Subpart Ka	Subpart Ka	§60.114a
335-3-10-.02(9)(b) Subpart Kb	Subpart Kb	§60.111b(f)(4) §60.114(b) §60.116(e)(3)(iii) §60.116(e)(3)(iv) §60.116b(f)(2)(iii)
335-3-10-.02(12) Subpart L	Subpart L	
335-3-10-.02(13) Subpart M	Subpart M	
335-3-10-.02(14) Subpart N	Subpart N	
335-3-10-.02(14)(a) Subpart Na	Subpart Na	
335-3-10-.02(15) Subpart O	Subpart O	§60.153(e)
335-3-10-.02(16) Subpart P	Subpart P	
335-3-10-.02(17) Subpart Q	Subpart Q	
335-3-10-.02(18) Subpart R	Subpart R	
335-3-10-.02(19) Subpart S	Subpart S	
335-3-10-.02(20) Subpart T	Subpart T	
335-3-10-.02(21) Subpart U	Subpart U	
335-3-10-.02(22) Subpart V	Subpart V	
335-3-10-.02(23) Subpart W	Subpart W	
335-3-10-.02(24) Subpart X	Subpart X	
335-3-10-.02(25) Subpart Y	Subpart Y	
335-3-10-.02(26) Subpart Z	Subpart Z	
335-3-10-.02(27) Subpart AA	Subpart AA	

<b>ADEM Chapter 335-3-10</b>	<b>40 CFR Part 60</b>	<b>Exceptions</b>
335-3-10-.02(27)(a) Subpart AAa	Subpart AAa	
335-3-10-.02(28) Subpart BB	Subpart BB	
<a href="#">335-3-10-.02(28) Subpart BBa</a>	<a href="#">Subpart BBa</a>	
335-3-10-.02(29) Subpart CC	Subpart CC	
335-3-10-.02(30) Subpart DD	Subpart DD	
335-3-10-.02(31) Subpart EE	Subpart EE	§60.316(d)
335-3-10-.02(32) Subpart FF	Reserved	
335-3-10-.02(33) Subpart GG	Subpart GG	§60.334(b)(2) §60.335(f)(1)
335-3-10-.02(34) Subpart HH	Subpart HH	
335-3-10-.02(35) Subpart II	Reserved	
335-3-10-.02(36) Subpart JJ	Reserved	
335-3-10-.02(37) Subpart KK	Subpart KK	
335-3-10-.02(38) Subpart LL	Subpart LL	
335-3-10-.02(39) Subpart MM	Subpart MM	
335-3-10-.02(40) Subpart NN	Subpart NN	
335-3-10-.02(41) Subpart OO	Reserved	
335-3-10-.02(42) Subpart PP	Subpart PP	
335-3-10-.02(43) Subpart QQ	Subpart QQ	
335-3-10-.02(44) Subpart RR	Subpart RR	§60.446(c)
335-3-10-.02(45) Subpart SS	Subpart SS	§60.456(d)
335-3-10-.02(46) Subpart TT	Subpart TT	§60.466(d)
335-3-10-.02(47) Subpart UU	Subpart UU	§60.474(g)
335-3-10-.02(48) Subpart VV	Subpart VV	§60.482-1(c)(2) §60.484
335-3-10-.02(48)(a) Subpart VVa	Subpart VVa	
335-3-10-.02(49) Subpart WW	Subpart WW	§60.496(c)
335-3-10-.02(50) Subpart XX	Subpart XX	§60.502(e)(6)
335-3-10-.02(51) Subpart YY	Reserved	
335-3-10-.02(52) Subpart ZZ	Reserved	
335-3-10-.02(53) Subpart AAA	Reserved	

<b>ADEM Chapter 335-3-10</b>	<b>40 CFR Part 60</b>	<b>Exceptions</b>
335-3-10-.02(54) Subpart BBB	Subpart BBB	§60.543(c)(2)(ii)(B)
335-3-10-.02(55) Subpart CCC	Reserved	
335-3-10-.02(56) Subpart DDD	Subpart DDD	§60.562-2(c)
335-3-10-.02(57) Subpart EEE	Reserved	
335-3-10-.02(58) Subpart FFF	Subpart FFF	
335-3-10-.02(59) Subpart GGG	Subpart GGG	
335-3-10-.02(59)(a) Subpart GGGa	Subpart GGGa	
335-3-10-.02(60) Subpart HHH	Subpart HHH	
335-3-10-.02(61) Subpart III	Subpart III	§60.613(e)
335-3-10-.02(62) Subpart JJJ	Subpart JJJ	
335-3-10-.02(63) Subpart KKK	Subpart KKK	
335-3-10-.02(64) Subpart LLL	Subpart LLL	
335-3-10-.02(65) Subpart MMM	Reserved	
335-3-10-.02(66) Subpart NNN	Subpart NNN	§60.663(e)
335-3-10-.02(67) Subpart OOO	Subpart OOO	
335-3-10-.02(68) Subpart PPP	Subpart PPP	
335-3-10-.02(69) Subpart QQQ	Subpart QQQ	
335-3-10-.02(70) Subpart RRR	Subpart RRR	§60.703(e)
335-3-10-.02(71) Subpart SSS	Subpart SSS	§60.711(a)(16) §60.713(b)(1)(i) §60.713(b)(1)(ii) §60.713(b)(5)(i) §60.713(d) §60.715(a) §60.716
335-3-10-.02(72) Subpart TTT	Subpart TTT	§60.723(b)(1) §60.723(b)(2)(i)(C) §60.723(b)(2)(iv) §60.724(e) §60.725(b)
335-3-10-.02(73) Subpart UUU	Subpart UUU	



<b>ADEM Chapter 335-3-10</b>	<b>40 CFR Part 60</b>	<b>Exceptions</b>
335-3-10-.02(74) Subpart VVV	Subpart VVV	§60.743(a)(3)(v)(A) §60.743(a)(3)(v)(B) §60.743(e) §60.745(a) §60.746
335-3-10-.02(75) Subpart WWW	Subpart WWW	§60.754(a)(5)
335-3-10-.02(76) Reserved	Reserved	
335-3-10-.02(77) Reserved	Reserved	
335-3-10-.02(78) Reserved	Reserved	
335-3-10-.02(79) Subpart AAAA	Subpart AAAA	
335-3-10-.02(80) Reserved	Reserved	
335-3-10-.02(81) Subpart CCCC	Subpart CCCC	§60.2030 §60.2115 §60.2100(b)(2)
335-3-10-.02(82) Reserved	Reserved	
335-3-10-.02(83) Reserved	Reserved	
335-3-10-.02(84) Reserved	Reserved	
335-3-10-.02(85) Reserved	Reserved	
335-3-10-.02(86) Reserved	Reserved	
335-3-10-.02(87) Subpart IIII	Subpart IIII	
335-3-10-.02(88) Subpart JJJJ	Subpart JJJJ	
335-3-10-.02(89) Subpart KKKK	Subpart KKKK	
335-3-10-.02(90) Subpart LLLL	Subpart LLLL	§60.4785(c)
335-3-10-.02(91) Subpart OOOO	Subpart OOOO	

**ADEM Chapter 335-3-10****40 CFR Part 60****Exceptions****History:** Effective Date: May 25, 1976.**Amended:** June 23, 1981; February 13, 1985; April 15, 1987; June 16, 1988; September 21, 1989; November 1, 1990; March 28, 1991; July 31, 1991; September 19, 1991; October 24, 1991; December 28, 1993; April 27, 1995; November 21, 1996; September 25, 1997; March 27, 1998; July 15, 1999; January 13, 2000; September 7, 2000; March 14, 2002; October 3, 2002; April 3, 2003; October 2, 2003; March 22, 2005; December 12, 2005; July 11, 2006; November 14, 2006; April 3, 2007; January 22, 2008; August 5, 2008; January 19, 2009; March 30, 2010; May 23, 2011; May 29, 2012; January 22, 2013; May 28, 2013; September 24, 2013; XXXXXX, 2015.

335-3-10-.03(1) Appendix A                      Appendix A

335-3-10-.03(2) Appendix B                      Appendix B

335-3-10-.03(3) Appendix F                      Appendix F

**History:** Effective Date: June 16, 1988.**Amended:** November 1, 1990; March 28, 1991; July 31, 1991; September 19, 1991; October 24, 1991; December 28, 1993; November 21, 1996; March 27, 1998; January 13, 2000; September 7, 2000; March 14, 2002; October 3, 2002; March 22, 2005; November 14, 2006; April 3, 2007; January 22, 2008; January 19, 2009; March 30, 2010, May 23, 2011; May 28, 2013; XXXXXX, 2015.**ADEM Chapter 335-3-11****40 CFR Part 61****Exceptions**

335-3-11-.02(1) Subpart A	Subpart A	§61.04(b) §61.12 §61.13(h) §61.13(i) §61.14(d) §61.14(g)
335-3-11-.02(2) Subpart C	Subpart C	§61.32(b)
335-3-11-.02(3) Subpart D	Subpart D	
335-3-11-.02(4) Subpart E	Subpart E	§61.53(c)(4) §61.55(d)
335-3-11-.02(5) Subpart F	Subpart F	§61.66 §61.67(g)

<b>ADEM Chapter 335-3-11</b>	<b>40 CFR Part 61</b>	<b>Exceptions</b>
335-3-11-.02(9) Subpart J	Subpart J	§61.112(c)
335-3-11-.02(11) Subpart L	Subpart L	§61.136(d)
335-3-11-.02(12) Subpart M	Subpart M	§61.149(c)(2) §61.150(a)(4) §61.151(c) §61.152(b)(3) §61.154(d) §61.155(a)
335-3-11-.02(13) Subpart N	Subpart N	§61.162(c) §61.163(h) §61.164(a)
335-3-11-.02(14) Subpart O	Subpart O	§61.174(a)
335-3-11-.02(15) Subpart P	Subpart P	
335-3-11-.02(21) Subpart V	Subpart V	§61.242-1(c)(2) §61.244
335-3-11-.02(22) Reserved	Reserved	
335-3-11-.02(23) Reserved	Reserved	
335-3-11-.02(24) Subpart Y	Subpart Y	§61.273
335-3-11-.02(25) Reserved	Reserved	
335-3-11-.02(26) Reserved	Reserved	
335-3-11-.02(27) Subpart BB	Subpart BB	
335-3-11-.02(28) Reserved	Reserved	
335-3-11-.02(29) Reserved	Reserved	
335-3-11-.02(30) Reserved	Reserved	
335-3-11-.02(31) Subpart FF	Subpart FF	§61.353

**ADEM Chapter 335-3-11****40 CFR Part 61****Exceptions**

**History:** Effective Date: [May 25, 1976.](#)

**Amended:** [June 23, 1981; February 13, 1985; June 9, 1987; November 1, 1990; March 28, 1991; July 31, 1991; September 19, 1991; October 30, 1992; December 28, 1993; January 13, 2000; March 14, 2002; October 2, 2003; March 22, 2005; December 12, 2005; January 22, 2008; XXXXXX, 2015.](#)

335-3-11-.03(1) Appendix B

Appendix B

**History:** Effective Date: [June 16, 1988](#)

**Amended:** [March 28, 1991; November 21, 1996; March 14, 2002; XXXXXX, 2015.](#)

**ADEM Chapter 335-3-11****40 CFR Part 63****Exceptions**

335-3-11-.06(1) Subpart A

Subpart A

§63.6(g)

§63.6(h)(9)

§63.7(e)(2)(ii)

§63.7(f)

§63.8(f)

§63.10(f)

335-3-11-.06(2) Subpart B

Subpart B

335-3-11-.06(3) Subpart D

Subpart D

335-3-11-.06(4) Reserved

Reserved

335-3-11-.06(5) Subpart F

Subpart F<sup>1</sup>

See Footnote

335-3-11-.06(6) Subpart G

Subpart G<sup>2</sup>

[§63.153\(c\)\(1\)-\(4\)](#) See

<sup>1</sup> The following are not delegable: (1) Approval of alternatives to requirements in §§ 63.100, 63.102, and 63.104. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

~~<sup>2</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.110, 63.112 through 63.113, 63.119, 63.126, 63.132 through 63.140, 63.148 through 63.149, and 63.150(i)(1) through (4). Follow~~

<b>ADEM Chapter 335-3-11</b>	<b>40 CFR Part 63</b>	<b>Exceptions Footnote</b>
335-4-11-.06(7) Subpart H	Subpart H <sup>3</sup>	See Footnote
335-3-11-.06(8) Subpart I	Subpart I <sup>4</sup>	See Footnote
335-3-11-.06(9) Reserved	Reserved	

~~the requirements in § 63.121 to request permission to use an alternative means of emission limitation for storage vessels. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. Where these standards reference another subpart and modify the requirements, the requirements shall be modified as described in this subpart. Delegation of the modified requirements will also occur according to the delegation provisions of the referenced subpart. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.~~

<sup>3</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.160, 63.162 through 63.176, 63.178 through 63.179. Follow the applicable procedures of § 63.177 to request an alternative means of emission limitation for batch processes and enclosed-vented process units. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. Where these standards reference another subpart and modify the requirements, the requirements shall be modified as described in this subpart. Delegation of the modified requirements will also occur according to the delegation provisions of the referenced subpart. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

<sup>4</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.190 and 63.192(a) through (b), (e), and (h) through (j). Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

<b>ADEM Chapter 335-3-11</b>	<b>40 CFR Part 63</b>	<b>Exceptions</b>
335-3-11-.06(10) Reserved	Reserved	
335-3-11-.06(11) Subpart L	Subpart L <sup>5</sup>	See Footnote
335-3-11-.06(12) Subpart M	Subpart M <sup>6</sup>	See Footnote
335-3-11-.06(13) Subpart N	Subpart N <sup>7</sup>	<a href="#">§63.348(c)(1)-(4)</a> See Footnote
335-3-11-.06(14) Subpart O	Subpart O <sup>8</sup>	<a href="#">§63.368(c)(1)-(4)</a> See Footnote

<sup>5</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.300 and 63.302 through 63.308 (except the authorities in 63.306(a)(2) and (d)). (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of any changes to section 2 of Method 303 in appendix A of this part. (4) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (5) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

<sup>6</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.320 and 63.322(a) through (j). Follow the requirements in § 63.325 to demonstrate that alternative equipment or procedures are equivalent to the requirements of § 63.322. (2) Approval of major alternatives to test methods under 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

~~<sup>7</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.340, 63.342(a) through (e) and (g), and 63.343(a). (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.~~

~~<sup>8</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.360 and 63.362. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.~~

<b>ADEM Chapter 335-3-11</b>	<b>40 CFR Part 63</b>	<b>Exceptions</b>
335-3-11-.06(15) Reserved	Reserved	
335-3-11-.06(16) Subpart Q	Subpart Q <sup>9</sup>	See Footnote
335-3-11-.06(17) Subpart R	Subpart R <sup>10</sup>	See Footnote
335-3-11-.06(18) Subpart S	Subpart S <sup>11</sup>	See Footnote
335-3-11-.06(19) Subpart T	Subpart T <sup>12</sup>	See Footnote

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<sup>9</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.400 and 63.402 through 63.403. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

<sup>10</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.420, 63.422 through 63.423, and 63.424. Any owner or operator requesting to use an alternative means of emission limitation for storage vessels covered by § 63.423 must follow the procedures in § 63.426. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart, and any alternatives to § 63.427(a)(1) through (4) per § 63.427(a)(5). (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

<sup>11</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.440, 63.443 through 63.447 and 63.450. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. (2) Approval of alternatives to using §§ 63.457(b)(5)(iii), 63.457(c)(5)(ii) through (iii), and 63.257(c)(5)(ii), and any major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of alternatives using § 64.453(m) and any major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

<sup>12</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.460, 63.462(a) through (d), and 63.463 through 63.464 (except for the authorities in § 63.463(d)(9)). Use the procedures in § 63.469 to request the use of alternative equipment or procedures. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this

<b>ADEM Chapter 335-3-11</b>	<b>40 CFR Part 63</b>	<b>Exceptions</b>
335-3-11-.06(20) Subpart U	Subpart U <sup>13</sup>	See Footnote
335-3-11-.06(21) Reserved	Reserved	
335-3-11-.06(22) Subpart W	Subpart W <sup>14</sup>	See Footnote
335-3-11-.06(23) Subpart X	Subpart X	§63.551(c)(1)-(4)
335-3-11-.06(24) Subpart Y	Subpart Y <sup>15</sup>	<del>§63.568(c)(1)-(4)</del> See Footnote

subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

<sup>13</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.480 through 63.481, 63.483(a) through (c), 63.484, 63.485(a) through (k), (m), through (s), (u), 63.486 through 63.487, 63.488(a), (b)(1) through (4), (5)(iv) through (v), (6) through (7), (c) through (i), 63.493 through 63.494, 63.500(a)(1) through (3), (b), 63.501, 63.502(a) through (f), (i), (k) through (m), and 63.503. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. Where these standards reference another subpart and modify the requirements, the requirements shall be modified as described in this subpart. Delegation of the modified requirements will also occur according to the delegation provisions of the referenced subpart. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

<sup>14</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.520, 63.521, 63.523, and 63.524. Where these standards reference another rule, the cited provisions in that rule will be delegated according to the delegation provisions of that rule. (2) Approval of major alternatives to test methods for under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

~~<sup>15</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.560 and 63.562(a) through (d). (2) Approval of major alternatives to test methods for under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.~~



<b>ADEM Chapter 335-3-11</b>	<b>40 CFR Part 63</b>	<b>Exceptions</b>
335-3-11-.06(25) Reserved	Reserved	
335-3-11-.06(26) Subpart AA	Subpart AA <sup>16</sup>	See Footnote
335-3-11-.06(27) Subpart BB	Subpart BB <sup>17</sup>	See Footnote
335-3-11-.06(28) Subpart CC	Subpart CC <sup>18</sup>	<a href="#">§63.656(c)(1)-(4)</a> See Footnote
335-3-11-.06(29) Subpart DD	Subpart DD <sup>19</sup>	See Footnote

<sup>16</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.600, 63.602 through 63.604, and 63.609 through 63.610. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

<sup>17</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.620, 63.622 through 63.624, and 63.629 through 63.631. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

~~<sup>18</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.640, 63.642(g) through (i), 63.643, and 63.646 through 63.652. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. Where these standards reference another subpart and modify the requirements, the requirements shall be modified as described in this subpart. Delegation of the modified requirements will also occur according to the delegation provisions of the referenced subpart. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.~~

<sup>19</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.680, 63.683 through 63.691, and 63.693. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to

<b>ADEM Chapter 335-3-11</b>	<b>40 CFR Part 63</b>	<b>Exceptions</b>
335-3-11-.06(30) Subpart EE	Subpart EE <sup>20</sup>	See Footnote
335-3-11-.06(31) Reserved	Reserved	
335-3-11-.06(32) Subpart GG	Subpart GG <sup>21</sup>	<a href="#">§63.759(c)(1)-(4)</a> See Footnote
335-3-11-.06(33) Subpart HH	Subpart HH <sup>22</sup>	See Footnote
335-3-11-.06(34) Subpart II	Subpart II <sup>23</sup>	See Footnote

monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

<sup>20</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.701 and 63.703. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

~~<sup>21</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.741, 63.743, 63.744(a)(3), (b) through (e), 63.745 through 63.748, and 63.649(a). (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.~~

<sup>22</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.760, 63.764 through 63.766, 63.769, 63.771, and 63.777. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

<sup>23</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.780 through 63.781, and 63.783 through 63.784. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

<b>ADEM Chapter 335-3-11</b>	<b>40 CFR Part 63</b>	<b>Exceptions</b>
335-3-11-.06(35) Subpart JJ	Subpart JJ <sup>24</sup>	See Footnote
335-3-11-.06(36) Subpart KK	Subpart KK <sup>25</sup>	See Footnote
335-3-11-.06(37) Reserved	Reserved	
335-3-11-.06(38) Subpart MM	Subpart MM <sup>26</sup>	See Footnote
335-3-11-.06(39) Reserved	Reserved	
335-3-11-.06(40) Subpart OO	Subpart OO <sup>27</sup>	See Footnote

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<sup>24</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.800, 63.802, and 63.803(a)(1), (b), (c) introductory text, and (d) through (l). (2) Approval of alternatives to the monitoring and compliance requirements in §§ 63.804(f)(4)(iv)(D) and (E), 63.804(g)(4)(iii)(C), 63.804(g)(4)(vi), and 63.804(g)(6)(vi). (3) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart, as well as approval of any alternatives to the specific test methods under §§ 63.805(a), 63.805(d)(2)(v), and 63.805(e)(1). (4) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (5) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

<sup>25</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.820 through 63.821 and 63.823 through 63.826. (2) Approval of alternatives to the test method for organic HAP content determination in § 63.827(b) and alternatives to the test method for volatile matter in § 63.827(c), and major alternatives to other test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

<sup>26</sup> The following are not delegable: (1) Pursuant to §63.6(g), approval of alternatives to standards in §63.862. (2) Pursuant to §63.7(e)(2)(ii) and (f) and as defined in §63.90, approval of major alternatives to test methods. (3) Pursuant to §63.8(f) and as defined in §63.90, approval of major alternatives to monitoring. (4) Pursuant to §63.10(f) and as defined in §63.90, approval of major alternatives to recordkeeping and reporting.

<sup>27</sup> The following are not delegable: (1) Approval of alternatives to the requirements in § 63.900 and 63.902. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major

<b>ADEM Chapter 335-3-11</b>	<b>40 CFR Part 63</b>	<b>Exceptions</b>
335-3-11-.06(41) Subpart PP	Subpart PP <sup>28</sup>	See Footnote
335-3-11-.06(42) Subpart QQ	Subpart QQ <sup>29</sup>	See Footnote
335-3-11-.06(43) Subpart RR	Subpart RR <sup>30</sup>	See Footnote
335-3-11-.06(44) Subpart SS	Subpart SS <sup>31</sup>	See Footnote

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alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

<sup>28</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.920 and 63.922 through 63.924. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

<sup>29</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.940, 63.942, and 63.943. Where these standards reference subpart DD, the cited provisions will be delegated according to the delegation provisions of subpart DD. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

<sup>30</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.960 and 63.962. Where these standards reference subpart DD, the cited provisions will be delegated according to the delegation provisions subpart DD of this part. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

<sup>31</sup> The following are not delegable: (1) Approval of alternatives to the non-opacity emissions standards in § 63.983(a) and (d), 63.984, 63.985(a), 63.986(a), 63.987 (a), 63.988(a), 63.990(a), 63.993(a), 63.994(a), and 63.995(a) under § 63.6(g). Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. (2) Reserved. (3) Approval of major changes to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (4) Approval of major

<b>ADEM Chapter 335-3-11</b>	<b>40 CFR Part 63</b>	<b>Exceptions</b>
335-3-11-.06(45) Subpart TT	Subpart TT <sup>32</sup>	See Footnote
335-3-11-.06(46) Subpart UU	Subpart UU <sup>33</sup>	See Footnote
335-3-11-.06(47) Subpart VV	Subpart VV <sup>34</sup>	See Footnote
335-3-11-.06(48) Subpart WW	Subpart WW <sup>35</sup>	See Footnote

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changes to monitoring under § 63.8(f) and as defined in § 63.90. (5) Approval of major changes to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<sup>32</sup> The following are not delegable: (1) Approval of alternatives to the non-opacity emissions standards in § 63.1003 through 63.1015, under § 63.6(g). Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. (2) Reserved. (3) Approval of major changes to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (4) Approval of major changes to monitoring under § 63.8(f) and as defined in § 63.90. (5) Approval of major changes to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<sup>33</sup> The following are not delegable: (1) Approval of alternatives to the non-opacity emissions standards in § 63.1022 through 63.1034, under § 63.6(g), and the standards for quality improvement programs in § 63.1035. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. (2) Reserved. (3) Approval of major changes to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (4) Approval of major changes to monitoring under § 63.8(f) and as defined in § 63.90. (5) Approval of major changes to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<sup>34</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.1040 and 63.1042 through 63.1045. Where these standards reference subpart DD, the cited provisions will be delegated according to the delegation provisions of subpart DD of this part. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

<sup>35</sup> The following are not delegable: (1) Approval of alternatives to the non-opacity emissions standards in §§ 63.1062 and 63.1063(a) and (b) for alternative means of emission limitation, under § 63.6(g). (2) Reserved. (3) Approval of major changes to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (4) Approval of major changes to monitoring under § 63.8(f)

<b>ADEM Chapter 335-3-11</b>	<b>40 CFR Part 63</b>	<b>Exceptions</b>
335-3-11-.06(49) Subpart XX	Subpart XX <sup>36</sup>	See Footnote
335-3-11-.06(50) Subpart YY	Subpart YY <sup>37</sup>	<a href="#">§63.1114(b)(1)-(5)</a> <del>See Footnote</del>
335-3-11-.06(51) Reserved	Reserved	
335-3-11-.06(52) Reserved	Reserved	
335-3-11-.06(53) Reserved	Reserved	
335-3-11-.06(54) Subpart CCC	Subpart CCC <sup>38</sup>	See Footnote

and as defined in § 63.90. (5) Approval of major changes to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<sup>36</sup> The following are not delegable: (1) Approval of alternatives to the non-opacity emissions standards in §§ 63.1085, 63.1086 and 63.1095 under § 63.6(g). Where these standards reference another subpart, the cited provisions will be delegated provisions of the referenced subpart. (2) Reserved. (3) Approval of major changes to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (4) Approval of major changes to monitoring under § 63.90. (5) Approval of major changes to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

~~<sup>37</sup> The following are not delegable: (1) Approval of alternatives to the non-opacity emissions standards in § 63.1103(a)(3), (b)(3) through (5), (c)(3), (d)(3), (e)(3), (f)(3), (g)(3) and (4), and (h)(3) under § 63.6(g). Follow the requirements in § 63.1113 to request permission to use an alternative means of emission limitation. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. (2) Reserved. (3) Approval of major changes to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (4) Approval of major changes to monitoring under § 63.8(f) and as defined in § 63.90. (5) Approval of major changes to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.~~

<sup>38</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.1155, 63.1157 through 63.1159, and 63.1160(a). (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of any alternative measurement methods for HCl and CL<sub>2</sub> to those specified in § 63.1161(d)(1). (4) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (5) Approval of any alternative monitoring requirements to those specified in §§ 63.1162(a)(2) through (5) and 63.1162(b)(1) through (3). (6) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart. (7) Waiver of recordkeeping requirements specified in

<b>ADEM Chapter 335-3-11</b>	<b>40 CFR Part 63</b>	<b>Exceptions</b>
335-3-11-.06(55) Subpart DDD	Subpart DDD <sup>39</sup>	See Footnote
335-3-11-.06(56) Subpart EEE	Subpart EEE <sup>40</sup>	See Footnote
335-3-11-.06(57) Reserved	Reserved	
335-3-11-.06(58) Subpart GGG	Subpart GGG <sup>41</sup>	<a href="#">§63.1261</a> See <a href="#">Footnote(c)(1)-(4)</a>
335-3-11-.06(59) Subpart HHH	Subpart HHH <sup>42</sup>	See Footnote

§ 63.1165. (8) Approval of an alternative schedule for conducting performance tests to the requirement specified in § 63.1162 (a)(1).

<sup>39</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.1177 through 63.1180. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

<sup>40</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.1200, 63.1203 through 63.1205, and 63.1206(a). (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

~~<sup>41</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.1250 and 63.1252 through 63.1256. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.~~

<sup>42</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.1270, 63.1274 through 63.1275, 63.1281, and 63.1287. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.



<b>ADEM Chapter 335-3-11</b>	<b>40 CFR Part 63</b>	<b>Exceptions</b>
335-3-11-.06(60) Subpart III	Subpart III <sup>43</sup>	<a href="#">§63.1309(c)(1)-(4)</a> See Footnote
335-3-11-.06(61) Subpart JJJ	Subpart JJJ <sup>44</sup>	<a href="#">§63.1336</a> See Footnote <a href="#">(c)(1)-(4)</a>
335-3-11-.06(62) Reserved	Reserved	
335-3-11-.06(63) Subpart LLL	Subpart LLL	§63.1358
335-3-11-.06(64) Subpart MMM	Subpart MMM <sup>45</sup>	<a href="#">§63.1369(c)(1)-(4)</a> See

~~<sup>43.</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.1290, 63.1291, 63.1293 through 63.1301, and 63.1305. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of alternatives to the specific monitoring requirements of § 63.1303(b)(5). (5) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.~~

~~<sup>44.</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.1310 through 63.1311, 63.1313 through 63.1315(a)(1) through (9), (11) through (18), (b) through (e), 63.1316, 63.1321 through 63.1322, 63.1323(a), (b)(1) through (4), (b)(5)(iv) through (v), (b)(6) through (7), (c) through (j), and 63.1328 through 63.1332. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. Where these standards reference another subpart and modify the requirements, the requirements shall be modified as described in this subpart. Delegation of the modified requirements will also occur according to the delegation provisions of the referenced subpart. (2) Approval of major alternatives to test methods for under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.~~

~~<sup>45.</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.1360 and 63.1362 through 63.1364. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. Where these standards reference another subpart and modify the requirements, the requirements shall be modified as described in this subpart. Delegation of the modified requirements will also occur according to the delegation provisions of the referenced subpart. (2) Approval of major alternatives to test methods for under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this~~



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335-3-11-.06(65) Subpart NNN

Subpart NNN<sup>46</sup>~~Footnote~~

See Footnote

335-3-11-.06(66) Subpart OOO

Subpart OOO<sup>47</sup>~~§63.1419(c)(1)-(4) See~~~~Footnote~~

335-3-11-.06(67) Subpart PPP

Subpart PPP<sup>48</sup>~~§63.1421(c)(1)-(4) See~~

~~subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.~~

<sup>46</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.1380, 63., and 63.1387. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

~~<sup>47</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.1400 through 63.1401 and 63.1404 through 63.1410. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the reference subpart. Where these standards reference another subpart and modify the requirements, the requirements shall be modified as described in this subpart. Delegation of the modified requirements will also occur according to the delegation provisions of the referenced subpart. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.~~

~~<sup>48</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.1420, 63.1422, 63.1424 through 63.1428, and 63.1432 through 63.1436. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. Where these standards reference another subpart and modify the requirements, the requirements shall be modified as described in this subpart. Delegation of the modified requirements will also occur according to the delegation provisions of the referenced subpart. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.~~

<b>ADEM Chapter 335-3-11</b>	<b>40 CFR Part 63</b>	<b>Exceptions</b>
		<b>Footnote</b>
335-3-11-.06(68) Reserved	Reserved	
335-3-11-.06(69) Subpart RRR	Subpart RRR <sup>49</sup>	<a href="#">§63.1519(c)(1)-(4)</a> <b>See Footnote</b>
335-3-11-.06(70) Reserved	Reserved	
335-3-11-.06(71) Reserved	Reserved	
335-3-11-.06(72) Subpart UUU	Subpart UUU <sup>50</sup>	See Footnote
335-3-11-.06(73) Subpart VVV	Subpart VVV <sup>51</sup>	See Footnote
335-3-11-.06(74) Reserved	Reserved	
335-3-11-.06(75) Subpart XXX	Subpart XXX <sup>52</sup>	See Footnote

~~<sup>49</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.1500 through 63.1501 and 63.1505 through 63.1506. (2) Approval of major alternatives to test methods for under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.~~

<sup>50</sup> The following are not delegable: (1) Approval of alternatives to the non-opacity emission limitations and work practice standards in §§63.1564 through 63.1569 under §63.6(g). (2) Approval of alternative opacity emission limitations in §§63.1564 through 63.1569 under §63.6(h)(9). (3) Approval of major alternatives to test methods under §63.7(e)(2)(ii) and (f) and as defined in §63.90. (4) Approval of major alternatives to monitoring under §63.8(f) and as defined in §63.90. (5) Approval of major alternatives to recordkeeping and reporting under §63.10(f) and as defined in §63.90.

<sup>51</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.1580, 63.1583 through 63.1584, and 63.1586 through 63.1587. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

<sup>52</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.1650 and 63.1652 through 63.1654. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this

<b>ADEM Chapter 335-3-11</b>	<b>40 CFR Part 63</b>	<b>Exceptions</b>
335-3-11-.06(76) Reserved	Reserved	
335-3-11-.06(77) Reserved	Reserved	
335-3-11-.06(78) Subpart AAAA	Subpart AAAA <sup>53</sup>	See Footnote
335-3-11-.06(79) Reserved	Reserved	
335-3-11-.06(80) Subpart CCCC	Subpart CCCC	
335-3-11-.06(81) Subpart DDDD	Subpart DDDD <sup>54</sup>	See Footnote
335-3-11-.06(82) Subpart EEEE	Subpart EEEE <sup>55</sup>	See Footnote
335-3-11-.06(83) Subpart FFFF	Subpart FFFF <sup>56</sup>	See Footnote

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subpart. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

<sup>53</sup> The following is not delegable: Approval of alternatives to the standards in §63.1955.

<sup>54</sup> The following is not delegable: (1) Approval of alternatives to the compliance options, operating requirements, and work practice requirements in §§ 63.2240 and 63.2241 as specified in § 63.6(g). For the purposes of delegation authority under 40 CFR part 63, subpart E, "compliance options" represent "emission limits"; "operating requirements" represent "operating limits"; and "work practice requirements" represent "work practice standards." (2) Approval of major alternatives to test methods as specified in § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (3) Approval of major alternatives to monitoring as specified in § 63.8(f) and as defined in § 63.90. (4) Approval of major alternatives to recordkeeping and reporting as specified in § 63.10(f) and as defined in § 63.90. (5) Approval of PCWP sources demonstrations of eligibility for the low-risk subcategory developed according to appendix B of this subpart.

<sup>55</sup> The following are not delegable: (1) Approval of alternatives to the non-opacity emission limitations, operating limits, and work practice standards in § 63.2346(a) through (c) under § 63.6(g). (2) Approval of major changes to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (3) Approval of major changes to monitoring under § 63.8(f) and as defined in § 63.90. (4) Approval of major changes to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<sup>56</sup> The following are not delegable: (1) Approval of alternatives to the non-opacity emission limits and work practice standards in § 63.2450(a) under § 63.6(g). (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (3) Approval of major alternatives to monitoring under § 63.8(f) and as defined in § 63.90. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<b>ADEM Chapter 335-3-11</b>	<b>40 CFR Part 63</b>	<b>Exceptions</b>
335-3-11-.06(84) Subpart GGGG	Subpart GGGG	
335-3-11-.06(85) Subpart HHHH	Subpart HHHH <sup>57</sup>	See Footnote
335-3-11-.06(86) Subpart IIII	Subpart IIII <sup>58</sup>	See Footnote
335-3-11-.06(87) Subpart JJJJ	Subpart JJJJ <sup>59</sup>	See Footnote
335-3-11-.06(88) Subpart KKKK	Subpart KKKK <sup>60</sup>	See Footnote
335-3-11-.06(89) Reserved	Reserved	
335-3-11-.06(90) Subpart MMMM	Subpart MMMM <sup>61</sup>	See Footnote

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<sup>57</sup> The following are not delegable: (1) The authority under § 63.6(g) to approve alternatives to the emission limits in § 63.2983 and operating limits in § 63.2984. (2) The authority under § 63.7(e)(2)(ii) and (f) to approve of major alternatives (as defined in § 63.90) to the test methods in § 63.2993. (3) The authority under § 63.8(f) to approve major alternatives (as defined in § 63.90) to the monitoring requirements in §§ 63.2996 and 63.2997. (4) The authority under § 63.10(f) to approve major alternatives (as defined in § 63.90) to recordkeeping, notification, and reporting requirements in §§ 63.2998 through 63.3000.

<sup>58</sup> The following are not delegable: (1) Approval of alternatives to the work practice standards in § 63.3094 under § 63.6(g). (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (3) Approval of major alternatives to monitoring under § 63.8(f) and as defined in § 63.90. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<sup>59</sup> The following are not delegable: (1) § 63.3360(c), approval of alternate test method for organic HAP content determination; (2) § 63.3360(d), approval of alternate test method for volatile matter determination.

<sup>60</sup> The following are not delegable: (1) Approval of alternatives to the work practice standards in § 63.3493. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (3) Approval of major alternatives to monitoring under § 63.8(f) and as defined in § 63.90. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<sup>61</sup> The following are not delegable: (1) Approval of alternatives to the requirements in § 63.3881 through 3883 and § 63.3890 through 3893. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (3) Approval of major alternatives to monitoring under § 63.8(f) and as defined in § 63.90. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<b>ADEM Chapter 335-3-11</b>	<b>40 CFR Part 63</b>	<b>Exceptions</b>
335-3-11-.06(91) Subpart NNNN	Subpart NNNN <sup>62</sup>	See Footnote
335-3-11-.06(92) Subpart OOOO	Subpart OOOO <sup>63</sup>	See Footnote
335-3-11-.06(93) Subpart PPPP	Subpart PPPP <sup>64</sup>	See Footnote
335-3-11-.06(94) Subpart QQQQ	Subpart QQQQ <sup>65</sup>	See Footnote
335-3-11-.06(95) Subpart RRRR	Subpart RRRR <sup>66</sup>	See Footnote
335-3-11-.06(96) Subpart SSSS	Subpart SSSS <sup>67</sup>	See Footnote

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<sup>62</sup> The following are not delegable: (1) Approval of alternatives to the work practice standards in § 63.4093 under § 63.6(g). (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (3) Approval of major alternatives to monitoring under § 63.8(f) and as defined in § 63.90. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<sup>63</sup> The following are not delegable: (1) Approval of alternatives to the work practice standards in § 63.4293 under § 63.6(g). (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (3) Approval of major alternatives to monitoring under § 63.8(f) and as defined in § 63.90. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<sup>64</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.4481 through 4483 and §§ 63.4490 through 4493. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (3) Approval of major alternatives to monitoring under § 63.8(f) and as defined in § 63.90. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<sup>65</sup> The following are not delegable: (1) Approval of alternatives to the work practice standards under § 63.4693. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (3) Approval of major alternatives to monitoring under § 63.8(f) and as defined in § 63.90. (4) Approval of major changes to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<sup>66</sup> The following are not delegable: (1) Approval of alternatives to the work practice standards in § 63.4893 under § 63.6(g). (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), and as defined in § 63.90. (3) Approval of major alternatives to monitoring under § 63.8(f) and as defined in § 63.90. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<b>ADEM Chapter 335-3-11</b>	<b>40 CFR Part 63</b>	<b>Exceptions</b>
335-3-11-.06(97) Reserved	Reserved	
335-3-11-.06(98) Reserved	Reserved	
335-3-11-.06(99) Subpart VVVV	Subpart VVVV <sup>68</sup>	§63.5698 §63.5728 §63.5731(a) §63.5734 §63.5740(a) §63.5743 §63.5746(g)
335-3-11-.06(100) Subpart WWWW	Subpart WWWW <sup>69</sup>	See Footnote
335-3-11-.06(101) Subpart XXXX	Subpart XXXX <sup>70</sup>	See Footnote
335-3-11-.06(102) Subpart YYYY	Subpart YYYY <sup>71</sup>	See Footnote

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<sup>67</sup> The following are not delegable: (1) Approval of alternatives to the emission limitation in §63.5120. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f) and as defined in §63.5160. (3) Approval of major alternatives to monitoring under § 63.8(f) and as defined in § 63.5150. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f) and as defined in §§ 63.5180 and 63.5190.

<sup>68</sup> The following are also not delegable: Pursuant to § 63.7(e)(2)(ii) and (f), the authority to approve alternatives to the test methods in §§ 63.5719(b), 63.5719(c), 63.5725(d)(1), and 63.5758; pursuant to § 63.8(f), the authority to approve major alternatives to the monitoring requirements in § 63.5725; pursuant to § 63.10(f), the authority to approve major alternatives to the reporting and recordkeeping requirements listed in §§ 63.5764, 63.5767, and 63.5770.

<sup>69</sup> The following are not delegable: (1) Approval of alternatives to the organic HAP emissions standards in § 63.5805 under § 63.6(g). (2) Approval of major changes to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (3) Approval of major changes to monitoring under § 63.8(f) and as defined in § 63.90. (4) Approval of major changes to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<sup>70</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.5981 through 63.5984, 63.5986, and 63.5988. (2) Approval of major changes to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (3) Approval of major changes to monitoring under § 63.8(f) and as defined in § 63.90. (4) Approval of major changes to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<b>ADEM Chapter 335-3-11</b>	<b>40 CFR Part 63</b>	<b>Exceptions</b>
335-3-11-.06(103) Subpart ZZZZ	Subpart ZZZZ	§63.6670(c)(1)-(5)
335-3-11-.06(104) Subpart AAAAA	Subpart AAAAA <sup>72</sup>	See Footnote
335-3-11-.06(105) Subpart BBBB	Subpart BBBB <sup>73</sup>	See Footnote
335-3-11-.06(106) Subpart CCCCC	Subpart CCCCC <sup>74</sup>	See Footnote

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<sup>71</sup> The following are not delegable: (1) Approval of alternatives to the emission limitations or operating limitations in § 63.6100 under § 63.6(g). (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (3) Approval of major alternatives to monitoring under § 63.8(f) and as defined in § 63.90. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90. (5) Approval of a performance test which was conducted prior to the effective date of the rule to determine outlet formaldehyde concentration as specified in § 63.6110(b).

<sup>72</sup> The following are not delegable: (1) Approval of alternatives to the non-opacity emission limitations in § 63.7090(a). (2) Approval of alternative opacity emission limitations in § 63.7090(a). (3) Approval of alternatives to the operating limits in § 63.7090(b). (4) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (5) Approval of major alternatives to monitoring under § 63.8(f) and as defined in § 63.90. (6) Approval of major alternatives to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<sup>73</sup> The following are not delegable: (1) Approval of alternatives to the non-opacity emission limitations in § 63.7184 under § 63.6(g). (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (3) Approval of major alternatives to monitoring under § 63.8(f) and as defined in § 63.90. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f) and defined in § 63.90.

<sup>74</sup> The following are not delegable: (1) Approval of alternatives to work practice standards for fugitive pushing emissions in § 63.7291(a) for a by-product coke oven battery with vertical flues, fugitive pushing emissions in § 63.7292(a) for a by-product coke oven battery with horizontal flues, fugitive pushing emissions in § 63.7293 for a non-recovery coke oven battery, soaking for a by-product coke oven battery in § 63.7294(a), and quenching for a coke oven battery in § 63.7295(b) under § 63.6(g). (2) Approval of alternatives opacity emission limitations for a by-product coke oven battery under § 63.6(h)(9). (3) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90, except for alternative procedures in § 63.7334(a)(7). (4) Approval of major alternatives to monitoring under § 63.8(f) and as defined in § 63.90. (5) Approval of major alternatives to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90. (6) Approval of the work practice plan for by-product coke oven batteries with horizontal flues submitted under § 63.7292(a)(1).

<b>ADEM Chapter 335-3-11</b>	<b>40 CFR Part 63</b>	<b>Exceptions</b>
335-3-11-.06(107) Subpart DDDDD	Subpart DDDDD	§63.7570
335-3-11-.06(108) Subpart EEEEE	Subpart EEEEE <sup>75</sup>	See Footnote
335-3-11-.06(109) Subpart FFFFF	Subpart FFFFF <sup>76</sup>	See Footnote
335-3-11-.06(110) Subpart GGGGG	Subpart GGGGG <sup>77</sup>	See Footnote
335-3-11-.06(111) Subpart HHHHH	Subpart HHHHH <sup>78</sup>	See Footnote
335-3-11-.06(112) Subpart IIIII	Subpart IIIII <sup>79</sup>	See Footnote

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<sup>75</sup> The following are not delegable: (1) Approval of alternatives to non-opacity emissions limitations in § 63.7690 and work practice standards in § 63.7700 under § 63.6(g). (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (3) Approval of major alternatives to monitoring under § 63.8(f) and as defined in § 63.90. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<sup>76</sup> The following are not delegable: (1) Approval of alternative opacity emission limits in Table 1 to this subpart under § 63.6(h)(9). (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90, except for approval of an alternative method for the oil content of the sinter plant feedstock or volatile organic compound measurements for the sinter plant windbox exhaust stream stack as provided in § 63.7824(f). (3) Approval of major alternatives to monitoring under § 63.8(f) and as defined in § 63.90. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<sup>77</sup> The following are not delegable: (1) Approval of alternatives to the non-opacity emissions limitations and work practice standards in this subpart under § 63.6(g). (2) Approval of major changes to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (3) Approval of major changes to monitoring under § 63.8(f) and as defined in § 63.90. (4) Approval of major changes to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<sup>78</sup> The following are not delegable: (1) Approval of alternatives to the non-opacity emission limits and work practice standards in § 63.8000(a) under § 63.6(g). (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (3) Approval of major alternatives to monitoring under § 63.8(f) and as defined in § 63.90. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<sup>79</sup> The following are not delegable: (1) Approval of alternatives under § 63.6(g) to the non-opacity emission limitations in § 63.8190 and work practice standards



<b>ADEM Chapter 335-3-11</b>	<b>40 CFR Part 63</b>	<b>Exceptions</b>
335-3-11-.06(113) Reserved	Reserved	
335-3-11-.06(114) Reserved	Reserved	
335-3-11-.06(115) Subpart LLLLL	Subpart LLLLL <sup>80</sup>	See Footnote
335-3-11-.06(116) Reserved	Reserved	
335-3-11-.06(117) Subpart NNNNN	Subpart NNNNN <sup>81</sup>	See Footnote
335-3-11-.06(118) Reserved	Reserved	
335-3-11-.06(119) Subpart PPPPP	Subpart PPPPP <sup>82</sup>	See Footnote
335-3-11-.06(120) Subpart QQQQQ	Subpart QQQQQ <sup>83</sup>	See Footnote

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in § 63.8192. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (3) Approval of major alternatives to monitoring under § 63.8(f) and as defined in § 63.90. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<sup>80</sup> The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.8681, 63.8682, 63.8683, 63.8684(a) through (c), 63.8686, 63.8687, 63.8688, 63.8689, 63.8690, and 63.8691. (2) Approval of major changes to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (3) Approval of major changes to monitoring under § 63.8(f) and as defined in § 63.90. (4) Approval of major changes to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<sup>81</sup> The following are not delegable: (1) Approval of alternatives to requirements in §§ 63.8980, 63.8985, 63.8990, 63.8995, and 63.9000. (2) Approval of major changes to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (3) Approval of major changes to monitoring under § 63.8(f) and as defined in § 63.90. (4) Approval of major changes to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<sup>82</sup> The following are not delegable: (1) Approval of alternatives to the emission limitations in § 63.9300 under § 63.6(g). (2) Approval of major changes to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (3) Approval of major changes to monitoring under § 63.8(f) and as defined in § 63.90. (4) Approval of major changes to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<sup>83</sup> The following are not delegable: (1) Approval of alternatives to the emission limitations in § 63.9500(a) and (b) under § 63.6(g). (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (3) Approval of major alternatives to monitoring under § 63.8(f) and as

<b>ADEM Chapter 335-3-11</b>	<b>40 CFR Part 63</b>	<b>Exceptions</b>
335-3-11-.06(121) Subpart RRRRR	Subpart RRRRR <sup>84</sup>	See Footnote
335-3-11-.06(122) Reserved	Reserved	
335-3-11-.06(123) Subpart TTTTT	Subpart TTTTT <sup>85</sup>	See Footnote
335-3-11-.06(124) Subpart UUUUU	Subpart UUUUU	§63.10041(b)(1)-(4)
335-3-11-.06(125) Reserved	Reserved	
335-3-11-.06(126) Reserved	Reserved	
335-3-11-.06(127) Reserved	Reserved	
335-3-11-.06(128) Subpart YYYYY	Subpart YYYYY	§63.10691(c)(1)-(6)
335-3-11-.06(129) Subpart ZZZZZ	Subpart ZZZZZ	§63.10905(c)(1)-(6)
335-3-11-.06(130) Reserved	Reserved	
335-3-11-.06(131) Reserved	Reserved	
335-3-11-.06(132) Reserved	Reserved	
335-3-11-.06(133) Subpart DDDDDD	Subpart DDDDDD	§63.11145(b)
335-3-11-.06(134) Subpart EEEEE	Subpart EEEEE <sup>86</sup>	See Footnote

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defined in § 63.90. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<sup>84</sup> The following are not delegable: (1) Approval of non-opacity emission limitations and work practice standards under § 63.6(h)(9) and as defined in § 63.90. (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (3) Approval of major alternatives to monitoring under § 63.8(f) and as defined in § 63.90. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<sup>85</sup> The following are not delegable: (1) Approval of alternatives to the non-opacity emission limitations in § 63.9890 and work practice standards in § 63.9891 under § 63.6(g). (2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90. (3) Approval of major alternatives to monitoring under § 63.8(f) and as defined in § 63.90. (4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

<sup>86</sup> The following are not delegable: (1) Approval of an alternative non-opacity emissions standard under § 63.6(g). (2) Approval of an alternative opacity emissions standard under § 63.6(h)(9). (3) Approval of a major change to a test method under § 63.7(e)(2)(ii) and (f). A "major change to test method" is defined in § 63.90. (4) Approval of a major change to monitoring under § 63.8(f). A "major change to monitoring" is defined in § 63.90. (5) Approval of a major

<b>ADEM Chapter 335-3-11</b>	<b>40 CFR Part 63</b>	<b>Exceptions</b>
335-3-11-.06(135) Subpart FFFFFFFF	Subpart FFFFFFFF <sup>87</sup>	See Footnote
335-3-11-.06(136) Subpart GGGGGG	Subpart GGGGGG <sup>88</sup>	See Footnote
335-3-11-.06(137) Reserved	Reserved	
335-3-11-.06(138) Reserved	Reserved	
335-3-11-.06(139) Reserved	Reserved	
335-3-11-.06(140) Reserved	Reserved	
335-3-11-.06(141) Subpart LLLLLL	Subpart LLLLLL	§63.11399(b)(1)-(4)
335-3-11-.06(142) Subpart MMMMMM	Subpart MMMMMM	§63.11406(b)(1)-(4)
335-3-11-.06(143) Reserved	Reserved	
335-3-11-.06(144) Reserved	Reserved	
335-3-11-.06(145) Reserved	Reserved	

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change to recordkeeping/reporting under § 63.10(f). A "major change to recordkeeping/reporting" is defined in § 63.90.

<sup>87</sup> The following are not delegable: (1) Approval of an alternative non-opacity emissions standard under §63.6(g). (2) Approval of a major change to test methods under § 63.7(e)(2)(ii) and (f). A "major change to test method" is defined in § 63.90. (3) Approval of a major change to monitoring under § 63.8(f). A "major change to monitoring" is defined in § 63.90. (4) Approval of a major change to recordkeeping/reporting under § 63.10(f). A "major change to recordkeeping/reporting" is defined in § 63.90.

<sup>88</sup> For primary zinc production facilities, the following are not delegable: (1) Approval of an alternative non-opacity emissions standard under § 63.6(g). (2) Approval of an alternative opacity emissions standard under § 63.6(h)(9). (3) Approval of a major change to test methods under § 63.7(e)(2)(ii) and (f). A "major change to test method" is defined in § 63.90. (4) Approval of a major change to monitoring under § 63.8(f). A "major change to monitoring" is defined in § 63.90. (5) Approval of a major change to recordkeeping/reporting under § 63.10(f). A "major change to recordkeeping/reporting" is defined in § 63.90. For primary beryllium manufacturing facilities, the following are not delegable: (1) Approval of an alternative non-opacity emissions standard under 40 CFR 61.12(d). (2) Approval of a major change to test methods under 40 CFR 61.13(h). A "major change to test method" is defined in §63.90. (3) Approval of a major change to monitoring under 40 CFR 61.14(g). A "major change to monitoring" is defined in § 63.90. (4) Approval of a major change to recordkeeping/reporting under 40 CFR 61.10. A "major change to recordkeeping/reporting" is defined in § 63.90.

<b>ADEM Chapter 335-3-11</b>	<b>40 CFR Part 63</b>	<b>Exceptions</b>
335-3-11-.06(146) Subpart QQQQQQ	Subpart QQQQQQ <sup>89</sup>	See Footnote
335-3-11-.06(147) Reserved	Reserved	
335-3-11-.06(148) Reserved	Reserved	
335-3-11-.06(149) Subpart TTTTTT	Subpart TTTTTT	§63.11473(c)(1)-(4)
335-3-11-.06(150) Reserved	Reserved	
335-3-11-.06(151) <del>Reserved</del> Subpart VVVVVV	<del>Reserved</del> Subpart VVVVVV	<a href="#"><u>§63.11503(b)(1)-(4)</u></a>
335-3-11-.06(152) Reserved	Reserved	
335-3-11-.06(153) Reserved	Reserved	
335-3-11-.06(154) Subpart YYYYYY	Subpart YYYYYY	§63.11531(c)(1)-(5)
335-3-11-.06(155) Subpart ZZZZZZ	Subpart ZZZZZZ	§63.11557(c)(1)-(5)
335-3-11-.06(156) Subpart AAAAAAA	Subpart AAAAAAA	§63.11567(b)
335-3-11-.06(157) Reserved	Reserved	
335-3-11-.06(158) Subpart CCCCCC	Subpart CCCCCC <sup>90</sup>	See Footnote
335-3-11-.06(159) Subpart DDDDDDD	Subpart DDDDDDD <sup>91</sup>	See Footnote
335-3-11-.06(160) Reserved	Reserved	

<sup>89</sup> The following are not delegable: (1) Approval of an alternative nonopacity emissions standard under § 63.6(g). (2) Approval of a major change to test methods under § 63.7(e)(2)(ii) and (f). A “major change to test method” is defined in § 63.90 (3) Approval of a major change to monitoring under § 63.8(f). A “major change to monitoring” is defined in § 63.90. (4) Approval of a major change to recordkeeping/reporting under § 63.10(f). A “major change to recordkeeping/reporting” is defined in § 63.90.

<sup>90</sup> The following are not delegable: (1) Approval of an alternative nonopacity emissions standard under § 63.6(g). (2) Approval of a major change to test methods under § 63.7(e)(2)(ii) and (f). A “major change to test method” is defined in § 63.90 (3) Approval of a major change to monitoring under § 63.8(f). A “major change to monitoring” is defined in § 63.90. (4) Approval of a major change to recordkeeping/reporting under § 63.10(f). A “major change to recordkeeping/reporting” is defined in § 63.90.

<sup>91</sup> The following are not delegable: (1) Approval of an alternative nonopacity emissions standard under § 63.6(g). (2) Approval of an alternative opacity emissions standard under § 63.6(h)(9). (3) Approval of a major change to test methods under § 63.7(e)(2)(ii) and (f). A “major change to test method” is defined in § 63.90. (4) Approval of a major change to monitoring under § 63.8(f). A “major change to monitoring” is defined in § 63.90. (5) Approval of a major change to recordkeeping and reporting under § 63.10(f). A “major change to recordkeeping/reporting” is defined in § 63.90.

<b>ADEM Chapter 335-3-11</b>	<b>40 CFR Part 63</b>	<b>Exceptions</b>
335-3-11-.06(161) Reserved	Reserved	
335-3-11-.06(162) Reserved	Reserved	
335-3-11-.06(163) Subpart HHHHHHH	Subpart HHHHHHH	§63.12000(b)

**History:** Effective Date: [November 23, 1995.](#)

**Amended:** [November 21, 1996; September 25, 1997; March 27, 1998; November 19, 1998; July 15, 1999; January 13, 2000; September 7, 2000; March 14, 2002; October 3, 2002; April 3, 2003; October 2, 2003; March 22, 2005; December 12, 2005; July 11, 2006; April 3, 2007; January 22, 2008; August 5, 2008; January 19, 2009; March 30, 2010; May 23, 2011; May 29, 2012; January 22, 2013; May 28, 2013; September 24, 2013; XXXXXX, 2015.](#)

335-3-11-.07(1) Appendix A	Appendix A	Sect. 2, Method 303
335-3-11-.07(2) Appendix B	Appendix B	
335-3-11-.07(3) Appendix C	Appendix C	
335-3-11-.07(4) Appendix D	Appendix D	
335-3-11-.07(5) Appendix E	Appendix E	

**History:** Effective Date: [November 23, 1995.](#)

**Amended:** [November 21, 1996; September 25, 1997; November 19, 1998; July 15, 1999; January 13, 2000; March 14, 2002; March 30, 2010; May 23, 2011; May 28, 2013; XXXXXX, 2015.](#)

<b>ADEM Chapter 335-3-11A</b>	<b>40 CFR Part 65</b>	<b>Exceptions</b>
335-3-11A-.02(1) Subpart A	Subpart A	§65.8 §65.46 §65.102 §65.156(b)(1)(ii) §65.158(a)(2)(ii)
335-3-11A-.02(2) Reserved	Reserved	
335-3-11A-.02(3) Subpart C	Subpart C	
335-3-11A-.02(4) Subpart D	Subpart D	
335-3-11A-.02(5) Subpart E	Subpart E	
335-3-11A-.02(6) Subpart F	Subpart F	

335-3-11A-.02(7) Subpart G Subpart G

**History:** Effective Date: March 14, 2002.

**Amended:** August 5, 2008; XXXXXX, 2015.

## ***DRAFT***

### **Alabama Regional Haze SIP Revision**

#### **Replacing Reliance on CAIR With Reliance on CSAPR**

Alabama is requesting a revision to the State's Regional Haze SIP to change reliance from the Clean Air Interstate Rule (CAIR) to reliance on the Cross State Air Pollution Rule (CSAPR) to meet Best Available Retrofit Technology (BART) for SO<sub>2</sub> and NO<sub>x</sub> and reasonable progress for SO<sub>2</sub> for subject electric generating units (EGUs) and to support the reasonable progress goals (RPGs) for the Sipsey Wilderness Area for the first planning period. Alabama is proposing to adopt rules implementing the CSAPR trading programs under 40 CFR 52.38 and 52.39 beginning in 2017.

On July 15, 2008, Alabama submitted its Regional Haze SIP to EPA for the first planning period. The plan relied on CAIR to satisfy BART for SO<sub>2</sub> and NO<sub>x</sub> and reasonable progress for SO<sub>2</sub> for subject EGUs. On June 28, 2012, EPA finalized a limited approval of this submittal (77 FR 38515). On June 7, 2012, (77 FR 33642) EPA finalized a limited disapproval of Alabama's Regional Haze SIP because the plan relied on CAIR to satisfy the BART requirement for EGUs for SO<sub>2</sub> and NO<sub>x</sub>. ADEM's reliance on CAIR to meet the BART requirement in its regional haze plan was fully consistent with EPA regulations at the time the plan was submitted to EPA (July 2008). Also on June 7, 2012, EPA finalized a finding that CSAPR achieves greater reasonable progress towards the national goal of achieving natural visibility conditions in Class I areas than source-specific BART in those states covered by CSAPR. EPA finalized its determination that a state that chooses to meet the emissions reduction requirements of CSAPR by submitting a complete SIP revision that is approved as meeting the requirements of 40 CFR 52.38 and/or 52.39 need not require BART-eligible EGUs in the state to install, operate and maintain BART for the pollutants covered by such a trading program in the state (40 CFR 51.308(e)(4)). Therefore, the deficiencies associated with NO<sub>x</sub> and SO<sub>2</sub> identified in EPA's June 7, 2012, limited disapproval of the regional haze plan submitted by Alabama on July 15, 2008, will be satisfied by EPA approval of the proposed SIP revision to adopt State specific rules to implement CSAPR in Alabama beginning in 2017. Alabama further requests that EPA revise its limited disapproval of Alabama's Regional Haze SIP to full approval based on this supplemental SIP revision.

Should EPA approve this SIP revision, we also request that the visibility prong of CAA section 110(a)(2)(D)(i)(II) of the infrastructure SIPs for Alabama's 2008 lead, 2008 ozone, 2010 NO<sub>2</sub> and 2010 SO<sub>2</sub> standards be amended to rely on the revised Regional Haze SIP that relies on CSAPR as specified above.